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IN THE SUPREME COURT
OF THE UNITED STATES

FREDERICK W. COPELAND,

Appellant,

vs. Case No. 75-337

FIRST FEDERAL SAVINGS AND LOAN ASSOCIATION OF LAKE COUNTY, a Corporation

Appellee.

PETITION FOR WRIT OF CERTIORARI

TO THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

Appeal from the Circuit Court for

Citrus County; John W. Booth, Judge.

COUNSELS

Frederick W. Copeland
P. O. Box 523, Crystal River, Fla. 32629
For Appellant.

Charles B. P. Sellar
800 N. Boulevard, Leesburg, Fla. 32748
For Appellee.

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TOPICAL INDEX TO PETITION

	Page
BACKGROUND (Reproduced in Appendix)	1-2
JURISDICTION	3
STATEMENT OF THE CASE	4-5
ARGUMENT	5-16
REVIEW OF MOTION TO SET ASIDE	17-23
QUESTIONS PRESENTED	23-25
CONCLUSION	25-26
CERTIFICATE OF SERVICE	26
APPENDIX	27-~~35~~ 40
STATUTES	35-37
RULES	37-38
AMENDMENT (Reproduced in Appendix)	39
ORDER 6-11-75 (Reproduced in Appendix)	40

JURISDICTION

Appellant, FREDERICK W. COPELAND, presents this, his petition for a writ of certiorari, and states that orders entered by the Trial Court dated March 17, 1966, appended with this petition, September 12, 1966, November 27, 1961, October 17, 1968, October 19, 1973, August 3, 1973, February 15, 1973 and May 17, 1972, which orders aforesaid denied appellant "equal protection of the law" and "due process" as provided by the Fourteenth Amendment to the Constitution of the United States and the liberties warranted by the Fifth Amendment to the Constitution of the United States, which orders, appellant alleges are inconsistent with the elements of the case, statutes and decisions presented to the Trial Court and further herewith presented with expansion for purpose of further showing merit, and in support the appellant shows the following:

1. Appellant alleges jurisdiction of the Court by its own decree extending its authority to civil action cases and cases involving jurisdiction of the states and individual liberties. Appellant alleges further that the court has jurisdiction over the subject matter of this appeal by virtues of the herewith appended letters, orders, petitions, motions, affidavits, exhibits, statutes and decisions of other courts in like cases, by State's failure to honor its own process and by reference to the accompanying motions to Reverse Judgment Amended, Motion for Set Aside Adjudication of Incompetency, Petition for Rehearing with Amendment for further clarification, Petition for Rehearing Dismissed Appellate Review or to Remand to Courts of Original Jurisdiction for Rehearing, Petition to Remand Dismissed Incompetency Proceedings to Court of Original Jurisdiction for Hearing, Motion to Strike Warranty Deeds, Motion for Ejection and Motion on Forcible Entry and Detention are incorporated in this appeal, and in support, decisions cited below shows jurisdiction, to-wit:

Crescent Wharf & Warehouse Co. v. Pilesbury.
Walling v. James V. Reuter, Inc.
State of Minnesota v. National Tea Co.
(R, VOL. I, 1-44, 108-147).

STATEMENT OF THE CASE

The background of the case commenced November 27, 1961, in Citrus County, Florida, when appellant was adjudged incompetent in the CITRUS COUNTY COUNTY JUDGE'S COURT, committed to the Veterans Administration Hospital, Tuskegee, Alabama, by reason of schizophrenia, paranoia, which diagnosis proved to be erroneous entirely, and while appellant was held incompetent, appelant's spouse conveyed his property without order of the Court in violation of statutory provisions on October 27, 1962. Since appellant was hospitalized in Veterans Administration Hospital by commitment and State Courts have declined to take jurisdiction over appellant's being, and because his incompetency was due to his service connected disability, there are some questions involved, namely, "due process," equal protection under the law, and restriction of First Amendment Freedoms by adjudging appellant incompetent on premises of schizophrenia, paranoia, when only symptomatology of his service-connected anxiety reaction prevailed;

2. The property described as given:

   Lots 195 and 196, KNIGHT'S ADDITION to the Town of Crystal River, Florida, according to the map or plat thereof recorded in Plat Book I, page 28, Public Records of Citrus County, Florida. (R, VOL. II, 6-125).

was conveyed by Warranty Deed October 27, 1962, to appellee by appellant's spouse as Individually as wife and as Guardian of the person and property of FREDERICK W. COPELAND, Incompetent. In order to save this property for appellant, his sister and daughter leased the foregoing described property on a rent-lease basis with the understanding that the monies arrived therefrom would keep the payments going on the mortgage obligation. Some $2,412.31 was so paid and was continuing until appellee stopped payment by demanding tenants to send payments directly to his office. By this time appellant had regained his civil rights through restoration of his competency, (R, VOL. I, 50-57),

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September 8, 1964. From this time on, appellant was continually asking appellee to return him his property. At one time appellee had agree to let appellant resume the mortgage obligation at the point he left off, and this is what appellant expected, however, instead appellee decided to demand full settlement instead of bringing payments up to date. There occurred on this property in September 1965 a land fissure or calamity causing $2,300 in damages which damages were repaired by appellant since he was demanding his property. Rather than return appellant's property appellee filed his complaint for mortgage foreclosure September 3, 1965, alleging non-payment of mortgage obligation when the truth is the record shows that in actuality, appellant was less than $30 in arrears.
(R, Vol. I, 50-72, 83 - 87).

ARGUMENT

The hearing was had on mortgage foreclosure complaint September 7, 1966, at which time all evidence offered by the appellant was denied admission and the order entered gave appellee possession of appellant's property without receiving all evidence in the case, charged appellant interest from date of last payment to date of hearing regardless of appellee having conveyance on property commencing October 27, 1962, which meant that appellant was not in charge of property, and for appellant to pay some $4,423.36 in interest, insurance and other costs when appellant was not in controlling authority of property was usurious in character. This was the reason for the appeal. Appellant did not intend paying one cent more in illegal interest than was justly due appellee. And since appellee was in control of property by conveyance at time of land subterranean fissure, appellant holds that the damage was appellee's liability and appellant should justly be, in discretion of the Court, refunded his $2,300 for landslide damage. Since appellant was only asking for adjustment in mortgage and was not trying to evade his responsibility, it was only just for the Court to deny foreclosure and render an equitable order for balance as supported by Lieberbaum v. Surcomber
(R, Vol. II, 38-107).

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Hotel Corp. Also, according to Florida Law rendered in Koscharek v. Fisher since appellee had not entered into foreclosure without delay, there could be no foreclosure basd on accleration clause.

On appeal appellant amended the record to include the evidence submitted at the Final Hearing of Mortgage Foreclosure rendered September 7, 1966 and by a series of orders the Appellate Court granted the amendments. According to Florida Appellate Rules, Rule 3.6, provides that only evidence before the Trial Court constitutes the Record-on-Appeal. This being the case, there has never been a decision on the merits in Mortgage Foreclosure rendered September 7, 1966 and appellant justly has contention in the Court. Since there has not been a hearing on the merits in the case, then rightly so, in the discretion of the Court.

SHOULD NOT SUPREME COURT OF UNITED STATES DECISIONS RENDERED IN 391 U. S. 955 AND 393 U. S. 971 BE SET ASIDE?

SHOULD NOT SUPREME COURT OF FLORIDA DECISION RENDERED IN 209 SO. 2D 670 BE SET ASIDE?

Then, if in the discretion of the Court, the foregoing is granted, then

SHOULD NOT FINAL DECREE OF MORTGAGE FORECLOSURE RENDERED SEPTEMBER 7, 1966, WITHOUT ADMITTING ALL PERTINENT EVIDENCE, BE SET ASIDE?

FURTHERMORE the Final Decree of Mortgage Foreclosure was entered the 12th day of September, 1966 and therefrom appelant commenced his appeal process with order for supersedeas bond being entered October 6, 1966, which order for supersedeas bond granted appellant 30 days before sale of mortgage as is lawfully provided providing there are no objections entered into the Record. Therefore, upon posting this order, the Certificate of Title by Clerk and the Certificate of Sale and Disbursement could not be rightly entered before October 13, 1966. However, this was not the case. The Certifi-

cate of Title by Clerk and the Certificate of Sale and Disbursement were both entered the 6th day of October, 1966 in violation of Section 702, Florida Statutes:

> If no objections to such sale be filed in the proceeding within ten days after filing of such certificate of sale, the clerk shall thereupon complete and file in the proceeding a further certificate of title . (R, Vol. I, 76-79).

Therefore, the Certificate of Title by Clerk was entered in violation of Section 702, Florida Statutes, above cited and said certificate of title by clerk, should, in the discretion of the Court, be vacated and set aside. The legal implication of the foregoing is that appellee has never rightly came into possession of appellant's property and with this legally insufficient title by clerk, appellee made application to the Court for Writ of Assistance and under authority of same ejected appellant from his property, piled appellant's household furnishings into the public street and left the same there to rot and decay.

WHEREFORE, the only hearing had in Mortgage Foreclosure was rendered March 8, 197[redacted] and rightly so, if there is no decision based on this hearing, then appellant should be placed in possession of his property. Furthermore, the proper adjustment should be made in regard to total indebtedness of appellant on this obligation. The hearing held March 8, 197[redacted] was just a hearing without regard to merit of the case. The decisions were based on what was in the preceding hearing and case and not the amended case as approved and granted by the Appellate Court. The hearing and the subsequent decision failed to recognize elements of usurious interest, the conveyance of October 27, 1962, the damages caused by landslide while appellee held property, the legally insufficient certificate of title by clerk, the legally insufficient certificate of sale, the order for supersedeas which granted 30 days before sale of mortgage, the pre-filing of motions, affidavits and exhibits. Wherefore, appellant contends that he has been relieved of his property without due process and (TRANSCRIPT, 1-54)

without equal protection of the law, to-wit:

Garrett v. Reid, 1943, 13 So. 2d 97:244 Ala. 254:
"Due process of law" means notice, a hearing according to that notice, and a judgment entered in accordance with such notice and hearing, and judgment without such citation and opportunity to be heard cannot be upheld.

Gill v. Wilder, 1928, 116 So. 870, 95 Fla. 901:
Legal remedies, supplemented by injunction, generally are sufficient to afford due process.

Sorensen v. Jacobson, 1951, 232 P. 2D 332, 125 Mont. 148:
Due process requires an orderly proceeding adapted to nature of the case and in accordance with the law, in which a person has an opportunity before the taking of property to be heard and to defend, protect, and enforce his rights.

Rosenblum v. Rosenblum, 1943, 42 N.Y.S. 2D 626, 181 Misc. 78:
The "due process of law" provision of this Amendment and Amend. 5 guarantees to every person his day in Court and reasonable opportunity to be heard or defend and it requires orderly proceedings in competent tribunal in accordance with generally establishd rules not violative of fundamental rights.

Marquette Corp. v. Priester, D.C. S.C. 1964, 234 F. Supp. 799.
Court should be loath to overturn judgment unless relief is compelled by unusual or exceptional circumstances, but once proper circumstances are found, this rule providing for setting aside of judgment should be given liberal construction to end that justice is accomplished.

In re: City of Coral Gables, I.F.R.D. 600, 28 U.S.C.A. following Section 723c:
The Federal Rules contemplates an orderly administration of justice and recognize all the provisions of constitution in regard to due process of law.

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Sun Insurance Co. v. Branham, D.C. Pa. 1945, 65 F. Supp. 512:
The question of due process is a federal question.

Travelers Insurance Co. v. Branham, D.C. Pa. 1945, 65 F. Supp 512:
A supersedeas bond prevents all further proceedings in the subordinate court except such as are necessary to preserve the rights of the parties and has no retroactive operation so as to deprive the judgment of its force and authority from the beginning.

Houston Fire & Cas. Insurance Co. v. Ivens, C.A. Fla. 1963, 323 F. 2D 112:

Upon approval of supersedeas bond by clerk of reviewing court and further action or proceeding under judgment of district court would be stayed pending appeal.

Ivor B. Clark Co. v. Hogan, D.C. N.Y. 1969, 296 F. Supp. 407:
Party taking appeal from order of district court involving money judgment is entitled to stay of that judgment upon posting of supersedeas bond.

Keohane v. Swarco, Inc. C.A. Ohio, 1963, 320 F. 2D 429:
Making a motion for amended and additional findings of fact is not a prerequisite to appelate review of a judgment dismissing a complaint.

Snyder v. Dravo Corp., 6 F.R.D. 546:
The right to amend a pleading is addressed to the discretion of the court, and great liberality should be allowed where it is necessary to bring about a furtherance of justice.

Continental Mfg. Corp. v. Scranton Storage Battery Corp., D.C. Pa. 1958, 22 F.R.D. 99:

This rule requiring court to grant leave to amend freely when justice so requires was promulgated to give effect to principle that cases should be decided on their merits and not on

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technicalities.

Flaska v. Little River Marine Const. Co., C.A. Fla. 1968, 389 F. 2D 885:

Dismissal of action with prejudice and entry of judgment by default for failure of litigant to prosecute with reasonable diligence or to comply with district court's orders or rules of procedure are drastic remedies which should be used only in extreme situations, as the court has a wide range of lesser sanctions.

601 West 26 Corp. v. Equity Capital Co., App. 177 So. 2D 739 (1965):

Mortgage foreclosure procedures are of statutory origin and must be strictly construed.

Thompson v. Kyle, 39 Fla. 578, 86 So. 439 (1920):

Usury is a matter of defense in a mortgage foreclosure suit:

B. A. Lott, Inc. v. Padgett, 1943, 14 So. 2D 667, 153 Fla. 304:

Judgments of the United States District Court became and ceased to be liens under the same conditions as judgments of state courts which became liens on debtor's real estate.

Women's Catholic Order of Foresters v. Special School District of North Little Rock, Pulaski Co., C.C.A. Ark. 1939, 105 F. 2D, 716:

The matter of interest on judgments entered in federal courts was controlled by laws of state in which such court sat.

Purvis v. Frink, 61 Fla. 712, 54 So. 862 (1911):

Where a contract is found to be usurious, only the actual principal sum can be enforced.

Lyle v. Winn, 45 Fla. 419, 34 So. 158 (1936):

Where it appears from the decree in foreclosure that a portion

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of the money reported to be due by the master is tainted with usury, it was error to allow any sum whatever for interest.

Beacham v. Carr, 122 Fla. 736, 166 So. 456 (1936):
Court of equity will not permit use of design formulated in mind of lender to evade evident purpose of usury laws and exact unlawful interest.

Fegers v. Pampano Farms, 104 Fla. 123, 139 So. 201 (1932):
That defendant tendered interest due before institution of mortgage foreclosure suit and before notice that complaint would accelerate due date was a good defense.

Koscharek v. Fisher, Fla. App. 1962, 145 So. 2D 755:
Delay or failure to foreclose mortgage will be deemed to have waived right under acceleration clause to declare entire indebtedness due, if he does not elect to do so within reasonable time after default, particularly where such delay has operated to advantage of mortgagee or to the detriment of mortgagor.

Lieberbaum v. Surcomber Hotel Corp., Fla. App. 192 So. 2D 88:
A chancellor has a right to deny foreclosure of a mortgage based upon acceleration where there are substantial equities in the case which render the acceleration unscoinable.

Other Federal authorities relied upon are as follows:

Sanderson v. City of Willmar, 1968, 162 N. W. 2D 494 282 Minn. 1:
"Property" as used in various guarantees against taking property without due process of law embraces every kind of property or right over which a person may have exclusive control or dominion.

Weimer v. Bunbury, 1874, 30 Mich. 201:
Due process of law is not necessarily judicial process; much of the process by means of which the government is carried on,

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and the order of society maintained, is purely administrative or executive, which is as much due process of law as is judicial process.

State exrel. Smith v. 16.50, 10.04629, 3.34, 1.84, 5.97741, 3.94 and 7.49319 Acres of Land, More or Less, Del. Super. 1964, 200 A 2D 241, Affirmed 208 A. 2D 55:

Just compensation should be assessed in terms of fair market value of premises and in order that compensation be truly just, fair market value must be assessed with respect to condition of land immediately preceding taking.

Ghasler Properties, Inc. v. Preston, Ohio Com. Pl. 1962, 184 N.E. 2D 552:

Wresting from property owner of property which was not, in fact, nuisance without compensating property owner therefor is violation of Constitutional limitations.

Hoffman v. Stevens, D.C. Pa. 1959, 177 F. Supp. 898:

Depriving one of property without just compensation is a denial of due process of law.

Predeaux v. Des Moines Joint-Stock Land Bank, D.C. Minn. 1929, 34 F. 2D 308, Appeal dismissed 51 S. Ct. 40:

Legislature cannot take away mortgagor's right to redeem from foreclosure, or to retain possession of premises until right of redemption expires; but it can either enlarge or diminish remedy available to mortgagee so long as it leaves to it some effective way of enforcing its rights.

Schuregmann Bros. Giant Super Markets v. Eli Lilly & Co., C.A. La. 1953, 205 F. 2D 788:

Right of property owner to fix price at which he will sell is an inherent attribute of property itself and, as such, is within protection of this clause.

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Heck v. Nicholas, C.C. A. Neb. 1925, 6 F. 2D 10:
A state's sovereignty over real property within its boundaries is supreme, and it may establish rules of law and procedure affecting transfers and settlement of title without violating the federal Constitution provided that property is brought under control of its courts and reasonable opportunity to be heard is given all interested parties.

Appellant shows unto the Court that there are three Federal questions involved in the procedures of the property heretofore described as follows:

(1) The question of due process of law,
(2) The question of equal protection of law, and
(3) The question of just compensation.

Commencing with the hearing rendered September 7, 1966, there might be the question of due process whenever the Appellee systematically denied all pertinent evidence into admission and then proceeded to petition the Court for an order based only on his evidence. The Appellate Court admitted the evidence and this evidence finally was before the Trial Court in hearing rendered March 8, 1972. There is definitely the matter of due process of law in the Clerk issuing the Certificate of Title out of time in regard to statutory law, whether due process being judicial or administrative as provided in Weimer v. Bunbury. The assessing of interest charges against Appellant when appellee held the recorded title to property is questionable in regard to due process of law, the law being that if a portion of the money reported to be due is tainted with usury, then no interest is allowed. In Lieberbaum v. Surcomber Hotel Corp., Florida Appellate, there is a decision which provides that a chancellor has a right to deny foreclosure of a mortgage based upon acceleration where there are substantial equities in the case which render the acceleration unscoinable, and since Appellant was not seeking to not pay just due mortgage obligation, but only to commence payment providing the

proper provisions could be found to make it possible, then there should have been no foreclosure. Considering the foregoing decision, then foreclosure was without due process. Again in Koscharek v. Fisher, Florida Appellate, a decision was rendered which declared that if there was delay or failure to foreclose mortgage also waived right under acceleration clause to declare entire indebtedness due, if he does not elect to do so within reasonable time after default, particularly where such delay has operated to advantage of mortgagee or to the detriment of mortgagor. In this case there was delay from April, 1962 to September 7, 1966, to foreclose on mortgage. In the interim Appellee has entered into a lease-rent agreement and on October 27, 1962 a conveyance was obtained from appellant's spouse which was signed by appellant's spouse "Individually and as Wife of Frederick Waymond Copeland, Incompetent." Since this deed was in violation of Chapter 294.10, Florida Statutes, and hence, did not operate against the interest of appellant, however, according to Chapter 689.03, Florida Statutes, the deed was valid in regard to appellant's spouse and conveyed her interest in the property. Since appellee had never obtained rightful title to appellant's property, lease-rent agreement with option and the writ of assistance which ejected appellant were all without due process.

Appellant has not been accorded equal protection of the law in the foregoing case. According to James V. West Virginia Board of Regents:

> This clause due process and equal protection clause mean that rights of all persons must rest on same rules and be similarly applied in like circumstances and neither state nor its several subdivision or officials may engage in any discriminating practices based upon race, color, creed, or national origin or deprive any person, under color of any state law or regulation, of his life, liberty or property without due process of law.

Appellant alleges that he has been victimized through orders contrary to the decisions cited herein, laws enacted and administrative or

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judicial decrees. Wherefore, appellant prays the SUPREME COURT OF THE UNITED STATES will resolve the conflicts and enter the correct judgment. Thus, ending appellant's injustices through unequal protection of the law. As further provided in Agnew v. Supreme Court in and for Los Angeles County:

> One taking timely appeal is entitled to perfect it, and suppression of his exercise of such right amounts to denial of equal protection of law.

According to the provisions of Hoffman v. Stevens, Ghaster Properties, Inc. v. Preston, Ohio and State exrel Smith, depriving, wresting property from owner without just compensaton is denial of due process of law. Appellant readily admits his obligations for the property and only asked for the opportunity to commence paying the same under proper terms and for the mental anguish appellee has caused appellant compensation according to laws involved is justified. WHEREFORE, appellant prays the Court will grant the following, in its discretion:

With the conveyance of October 27, 1962, appellant's mortgage liability ceased to exist because the property was no longer in appellant's name, but that of appellee's. Regardless of circumstances, appellant cannot justly be charged interest and other costs beyond the date October 27, 1962. On February 15, 1962, mortgage principal balance was $10,161.71; interest on principal through 10/27/62, date of conveyance, was $506.77; taxes for 1961, $65.00; taxes for 1962, $108.08; fire insurance for 1962 was $55.00 making a total liability of $735.20 in other costs, thus, the total mortgage liability was $10,869.91 as of October 27, 1962, the date of conveyance. Appellant justly concedes that he is obligated for this sum and nothing more, in the discretion of the Court, because the property was conveyed from appellant's name to that of appellee's. The Financial Statement shows credit of $2,412.31 and appellant is justly entitled to the $2,300.00 for repairs due to landslide on property when and after property had been

(R, VOL. I, 64-66).

conveyed out of appellant's name, the $2,412.31 being for the rent-lease agreement. If appellant is given credit for the funds due to rent-lease agreement and the $2,300.00 repair bill due to landslide, then the principal mortgage balance is $6,157.60. This is in disagreement with the principal balance of $12,446.75 and attorney's fee of $1,300.00 rendered September 7, 1966, in Final Decree of Mortgage Foreclosure. While Appellant was still asking for return of his property or chance to redeem the same, Appellee sold appellant's property for $6,000.00. This figures agrees in principle with the $6,157.60 figure arrived at by appellant in the foregoing argument. If so, it appears that appellee gave the grantees credit aforesaid for $2,300.00 and $2,412.31, credit for landslide and rent-lease agreement payments, respectively. (R, Vol. II, 52-72).

Appellant has sustained loses of $2,300.00 in landslide; $5,000.00 for loss of household furnishings because of eviction in face of supersedeas bond and an illegal Certificate of Title by Clerk to appellee; rent collections of $2,990 yearly.

Appellant holds that he is entitled to rent value or value of actual rent loss since appellant was releaved of his property by the conveyance of October 27, 1962, and in the illegal manner of simply taking over of appellant's property. Attorney for appellee has admitted unto the Court that the conveyance of October 27, 1962 was a wrongful action. Appellant is justly entitled to twice monthly rental value, or $280.00 montly from date of conveyance, October 27, 1962 to the present or for 136 months for a total rent value collection of $38,080.00 under provisions of Chapter 82, Florida Statutes (82.14), or according to Federal Rules of Civil Procedure appellant is justly entitled to trebble value of $420.00 monthly for 136 months for a total of $57,120.00. In any event, in case of an award grant, appellant is justly entitle to 10% interest charge, in discretion of the Court.

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REVIEW OF MOTION TO SET ASIDE ADJUDICATION OF INCOMPETENCY

The appellant was arrested on Sunday, November 19, 1961 on complaint of his spouse, and no November 27, 1961 he was adjudged incompetent in THE COUNTY JUDGE'S COURT, IN AND FOR CITRUS COUNTY, FLORIDA, by reason of schizophrenia, paranoia, with propensities of "threatening wife" and "obsessive ideas." The diagnosis of schizophrenia reaction was first given in November 1960 at the Veterans Administration Hospital, Tuskegee, Alabama, while appellant was undergoing treatment for his anxiety reaction, appellant's service connected disability. Under treatment, the allergies of appellant, which are now of record, became dominant and for these reasons and non-other were the reasons for the diagnosis of schizophrenic reaction. While undergoing examination at the Shand Teaching Hospital, Gainesville, Florida, June 13-16, 1961, drugs were administered and appellant had the same reaction and it was then and there that appellant was given the diagnosis of schizophrenia, paranoia. On June 18, 1961 the appellant registered at the Florida A.&M. University, Tallahassee, Florida, and on Agust 11, 1961 was conferred the Master of Education degree. Following the adjudication of incompetency in the COUNTY JUDGE'S COURT, IN AND FOR CITRUS COUNTY, FLORIDA on November 30, 1961, appellant was admitted to the Veterans Administration Hospital, Tuskegee, Alabama, for treatment of schizophrenia, paranoia, and appellant remained there through November, 1962; however, appellant was granted leave home January 25, 1962 for a period of thirty days. Appellant was issued a Certificate of Recovery May 2, 1963, but he was denied restoration in the Court June 1963. Appellant was finally restored his judicial sanity on September 8, 1964; appellant began court proceedings on March 7, 1966, in the Court of jurisdiction for purpose of showing unto the Court that the appellant had never really had an episode of schizophrenia, but appellant had suffered from his service connected disabilities and nothing more. In contention of the foregoing, the appellant shows the following:

(R, VOL. II, 1-34).

1. The order adjudicating appellant incompetent, entered November 27, 1961, for reason of schizophrenia, paranoia, propensities of threatening wife and obsessive ideas lacked evidence and was purely heresay. There is much evidence to the contrary from neighbors and others who are willing to testify the truth providing they are given the opportunity to testify. The Court ruled lack of jurisdiction in the matter and dismissed the same. Affidavits of record (Petition to Demand Dismissed Incompetency Proceedings to Court of Original Jurisdiction for Hearing) which shows unto the Court that the affiants knew of no threats or obsessive ideas of appellant. Appellant completed the requirements for the Master of Education degree on August 11, 1961, began school planning period August 18th and had not missed one day out of school, including Friday, November 17, 1961, without incident, and then suddenly appellant was arrested without cause and jailed. The foregoing expression shows that appellant was very well orientated to his surroundings and hardly would have regressed to threats and ideas out of context of society. (R, VOL. II, 14-24, 31-33).

FURTHERMORE, appellant was greatly prejudiced by the adjudication based on extremely indefinite evidence as provided in F. & A. Ice Cream Co. v. Ardens Farms Co. and in U.S. v. Peace Information Center as follows, respectively:

> Due process require that a federal statute making certain conduct criminal should designate with certainty and definiteness act which it proscribes.
>
> A criminal statute must define the crime denounced, otherwise it will be unconstitutional as depriving one of life, liberty or property without due process of laws.

In Mallatt v. Ostrander Ry. and Timber Co., D.C. Or. 1942, 46 F. Supp. 250:

> A vague or uncertain statute does not meet the requirement of "due process of law."

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Smith v. Crumlish, 1966, 218 A. 2D 596, 207 Pa. Super. 516:

Statute which is vague or overbroad is unconstitutional insofar as it operates in area of freedoms guaranteed by Amend. 1.

"Threatening wife" and "obsessive ideas" are vague and indefinite for an order adjudicating one incompetent by reason of schizophrenia, paranoia, and when there is no evidence supporting the same. Appellant could not be removed from his position of principal and teacher for these reasons when he has Constitutional protection, especially since appellant had the fullest respect of the faculty, pupils, school authorities and the community. Furthermore, hardly could appellant be considered mentally ill by reason of a psychosis and at the same time maintain a straight "A" academic record at the graduate level as shown by the record. Other evidence of performance at institutions of higher learning is attached to this motion as Exhibit No. 1. Regardless of how difficulty the task of teaching might have been, the record shows that appellant was normally and successfully meeting his administrative and supervisory duties and his teaching responsibility. No teacher, parent, community or pupil knew of appellant threatening his wife or obsessive ideas and to remove appellant from his position violated his constitutional rights as provided below:

Abel v. Gausha, D.C. Wis. 1970, 313 F. Supp. 1030:

A teacher in a public school may not be discharged for exercising constitutionally protected freedoms.

Lafferty v. Carter, D.C. Wis. 1970, 310 F. Supp. 465:

Employment of a teacher in a public school may not be terminated for reason that he exercised freedom of expression guaranteed to him by this Amend. and Amend. 14.

Orr v. Thorp, D.C. Fla. 1969, 308 F. Supp. 1369:

Assertion of rights under this Amend. by public school teacher will usually not warrant their dismissal.

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Roth v. Board of Regents of State College, D.C. Wis. 1970 Fed. Supp. 972, Affirmed 446 F. 2D 806:

A teacher's freedom of speech cannot be limited unless it can be shown that his utterances harm a substantial public interest.

Pred v. Board of Public Instruction of Dade County, Fla., C.A. Fla. 1969, 415 F. 2D 851:

Protections of this Amend. have special meaning when teachers are involved.

Teachers could not be denied their rights under this Amendment on contention that they could speak, write and believe as they chose only so long as they did it elsewhere and not as public school teachers.

Gauge v. Joint High School Dist. No. 1, D.C. Wis. 1970, 310 F. Supp. 984:

Teacher in a public elementary or secondary school is protected by Amend. 14 Clause against a non-renewal decision which is wholly without basis in fact and also against the decision which is impermissibly based on race, religion, or exercise of freedom of expression under this Amendment.

Carole v. Local 269 International Brotherhood of Electrical Workers, 1943, 31 A. 2D 233, 133 N.J. Eq. 144:

The right to earn a livelihood is a "property right" which is guaranteed by Amend. 14 and this Clause and by Const. N.J. Art. 1, par. 1.

Appeal of Sleeper, 1952, 87 A. 2D 115, 147 Me. 302:

The confinement of one who is mentally ill in a mental hospital is a deprivation of his liberty under this clause, unless confinement is accomplished and continued with person's voluntary consent.

Creamer v. Board of Road Commissioners of Alger County, 1949, 37 N.W. 2D 699, 325 Mich. 27:

Veterans' Preference Act, Act No. 22, Sect. 2, Pub. Acts 1944, prohibiting removal or suspension of veterans employed in any public

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department, except for cause, does not violate due process on grounds that it creates a perpetual preference without time limit.

The only times the appellant experienced any difficulty in employment were under exhaustion as evidenced by appellant repeating himself and under influence of some drug which appellant had no former knowledge of its side effects. Wherefore, although appellant experienced difficulty with his anxiety reaction (injury), appellant was successfully meeting his duties at the time he was removed from employment. Appellant's symptoms are numbness on left side of head, dizziness, poor vision at times or difficulty in reading, sometimes just plain nervous when reading for more than brief periods and at times difficulty in speaking under influence of exhaustion or drugs. These are all the anxiety reaction symptoms and these are the same symptoms attributed to appellant's schizophrenic reaction. The record further shows that under the influence of drugs such as tranquilizers and anti-depressants appellant is impaired to the extent that his responses are changed drastically, but the record further shows that once the stimulant is removed appellant shows immediate improvement. (The record came as appellant's medical history was made a part of his claim for Social Security benefits and through appeal and error, the record was served on appellant.) Appellant shows unto the Court that his head is never normal in feeling, but that appellant has no bad habits, his decorum is publicly approved, appellant is publicly and sociably accepted including companionship of girlfriend, publically sought after by all mankind and is capable of making a contribution to society, as evidenced by appellant's EXHIBIT No. 1 herewith attached.

Equally, the order adjudicating appellant incompetent prejudiced appellant's right of equal protection under the law and here and now, in the discretion of the Court, should be declared unconstitutional retroactive to November 19, 1961, the date appellant was jailed on petition of his spouse charging appellant with being mentally ill when,

in essence, only minor family dissolution was responsible. The Chapter 394.22, Florida Statutes, provided that any family member or next of kin could sign the petition alleging incompetency (the State of Florida has since amended this provision making it mandatory for three members of the family to sign the petition). The foregoing action violated the equal protection of the Fourteenth Amendment to the Constitution of the United States as shown in James v. West Virginia Board of Regents and in Maxwell v. Bugbee, 250 U.S. 525:

> The purpose of the equal protection clause of the Fourteenth Amendment to the Federal Constitution is to secure every person within state's jurisdiction against intentional and arbitrary discrimination, whether occasioned by the expressed terms of a statute or by its improper execution through duly constituted agents.

and that appellant's spouse on basis of her lone petition had appellant removed from his position thus in violation of the equal protection clause of the Fourteenth Amendment. The foregoing position is substantiated by appelant's Exhibits No. 2 and 3, and Exhibit No. 4. (R, VOL. II, 34-61).

2. Appellant further shows by Exhibit No. 5 that he is under guard of electronic surveillance which holds appellant under electronic peonage much to appellant's discrimination in that everywhere appellant travels around his environment there is this broadcasting and holding appellant under discriminatory servitude in violation said Fourteenth Amendment to the United States Constitution. Furthermore, with the same electronic surveillance attempt is made to frighten away appellant's clients and thus further harm his business which consists 90% of tax service—preparation of individual, business, partnership and corporate tax returns, Federal Highway use tax, Federal and State employer's quarterly returns, the annual returns for the foregoing, some bookkeeping, Social Security Administration procedures and some Veterans Administration affairs, paperwork from some other Federal agencies and welfare. The money earned from this business supplements my children's VA. educational allowance (the three in college) and support for the other two in high school.

Family members give appellant physical help such as recording and compiling. Appellant spends considerable time researching tax problems from his modern and current tax library. (R, VOL. V).

3. By Exhibit No. 6 appellant shows unto the Court that his freedom has been imposed upon and restricted and yet official approval has been granted but without avail to appellant. In the discretion of the Court, WHY EXHIBIT No. 6 CANNOT BE IMPLEMENTED?

4. Appellant is greatly under disability by reason of injury to central nervous system, anxiety reaction, and has been since 1943. The diagnosis of schizophrenic reaction came in 1960 in the Veterans Administration Hospital, Tuskegee, Alabama. Why should not appellant be entitled to his diagnosed anxiety reaction which restricts appellant in numerous ways and for which appellant has to constantly make adjustments, one kind or another? Equally, appellant was given rating of 100% disability commencing November 27, 1961, service connected, but was not given pay for his disability until July 1971. In the discretion of the Court, is appellant entitled to retroactive benefits? (R, VOL. II, 93-105).

QUESTIONS PRESENTED

The following questions are presented:

— 1 —

WHETHER MORTGAGE FORECLOSURE SHOULD BE VACATED HEARING FAILED TO ADMIT INTO EVIDENCE ALL THE PERTINENT FACTS AND EXHIBITS ESSENTIAL TO A MERIT DECISION?

— 2 —

WHETHER MORTGAGE FORECLOSURE SHOULD BE VACATED OR SET ASIDE IF APPELLEE FAILED TO EXERCISE MORTGAGE ACCELERATION CLAUSE?

— 3 —

WHETHER MORTGAGE FORECLOSURE SHOULD BE VACATED OR SET ASIDE IF INTEREST CHARGES ARE USURIOUS?

— 4 —

WHETHER APPELLANT'S MORTGAGE LIEN ENTERED NOVEMBER 27, 1959, WAS SUPERSEDED BY CONVEYANCE ENTERED OCTOBER 27, 1962?

— 5 —

WHETHER THE CONVEYANCE OF OCTOBER 27, 1962, WITHOUT ORDER AS PROVIDED BY CHAPTER 294.10, FLORIDA STATUTES, WAS LEGALLY INSUFFICIENT AND PREJUDICED APPELLANT'S PROPERTY RIGHTS WHEREIN APPELLEE NOTORIOUSLY CLAIMED APPELLANT'S PROPERTY PRIOR TO FORECLOSURE, SETEMBER 7, 1966?

— 6 —

WHETHER APPELLANT'S SPOUSE SURRENDERED HER LEGAL RIGHTS AND DOWER INTERESTS IN PROPERTY WHEN SAID SPOUSE CONVEYED PROPERTY AS WIFE INDIVIDUALLY, AS GUARDIAN OF THE PERSON AND PROPERTY OF FREDERICK W. COPELAND, INCOMPETENT, AND DESERTED HER SPOUSE SINCE NOVEMBER 27, 1961, AND WHEN THE COURT ENTERED A DECREE PRO CONFESSO AGAINST HER?

— 7 —

WHETHER THE COURT WILL ORDER WRIT OF HABERE FACIAS POSSESSIONEM, IN FAVOR OF APPELLANT, FOR PROPERTY SEIZED FROM HIM BY THE UNLAWFUL CONVEYANCE OF OCTOBER 27, 1962, AND THE LEGALLY INSUFFICIENT CERTIFICATE OF TITLE AND SALE AND DISBURSEMENT BY CLERK, BOTH ENTERED OCTOBER 6, 1966, IN VIOLATION OF FLORIDA STATUTES?

— 8 —

WHETHER THE COURT WILL ORDER REFUND OF EXPENDITURES FOR CASUALTY LOSS IN AMOUNT OF $2,300.00 FOR

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LOSS OF HOUSEHOLD FURNISHINGS AND EQUIPMENT FOR LEGALLY INSUFFICIENT EJECTION IN PRESENCE OF APPELLANT'S SUPERSEDEAS AND LEGALLY INSUFFICIENT CERTIFICATE OF TITLE BY CLERK, AND RENTAL DOUBLE VALUE OF $38,360.00, RENTAL VALUE OF $19,180.00 OR TREBLE VALUE OF $57,540.00 YEARLY FOR A TOTAL LOSS OF $34,135.00 RENTAL VALUE, $64,270.00 DOUBLE RENTAL VALUE, AND $98,405.00 TREBLE RENTAL VALUE BASED ON ACTUAL LOSS OF RENTS EQUAL TO $2,990.00 YEARLY FOR A PERIOD OF 137 MONTHS OF ILLEGAL HOLDING? RENT-LEASE CREDIT OF $2,412.31 AND MORTGAGE BALANCE OF $10,161.71 BEFORE ADJUSTMENTS?

— 9 —

WHETHER THE COURT WILL VACATE ORDER ADJUDICATING APPELLANT INCOMPETENT, RENDERED NOVMBER 27, 1961, OR SET ASIDE SAID ORDER OR REMAND TO THE COURT OF ORIGINAL JURISDICTION FOR REHEARING BASED UPON MERIT DECISION?

— 10 —

WHETHER THE COURT WILL VACATE APPELLEE'S ATTORNEY FEE OF $1,300.00?

— 11 —

WHETHER THE COURT WILL SET ASIDE WARRANTY DEEDS ENTERED AUGUST 20, 1971, WHICH DEEDS CONVEYED APPELLANT'S PROPERTY WITH A LEGALLY INSUFFICIENT CERTIFICATE OF TITLE IN AN ACTION IN THE LOWER COURT WHILE THE CASE WAS UNDER APPEAL?

CONCLUSION

The decisions of the COUNTY JUDGE'S COURT, IN AND FOR CITRUS COUNTY, FLORIDA AND THE CIRCUIT COURT IN AND FOR THE FIFTH JUDICIAL CIRCUIT, CITRUS COUNTY, FLORIDA, and the

U.S.C. of App. 5th Cir

SUPREME COURT OF FLORIDA, which decisions appellant seeks to have reviewed are in direct conflict with the above mentioned decisions, statutes, Acts of the Congress of the United States and the Constitution of the United States as above cited. Considering the reasons and authorities set forth, it is firmly believed, in the discretion of the Court, that the decision affirming the Trial Court's decision and the other Appellate Court are erroneous and in direct conflict and the decisions set forth should be approved by this Court as the controlling laws for the State of Florida. WHEREFORE, appellant prays that this Court will grant a writ of certiorari and enter its order quashing the decisions and orders hereby sought to be reviewed, approving the decisions, statutes and Acts of the Congress and Constitutional guarantees as handed down by the SUPREME COURT OF THE UNITED STATES and other Appellate Courts as the correct decisions, and granting such and other relief as shall seem right, just and proper to the Court.

FREDERICK W. COPELAND
P. O. Box 523
Crystal River, Florida 32629

CERTIFICATE OF SERVICE

I do certify that true copy hereof has been furnished via U.S. mail to Honorable Charles B. P. Sellar, 800 North Boulevard West, Leesburg, Florida, and to Honorable Robert Shevin, Attorney General of Florida, Tallahassee, Florida, on this 1st day of March, A.D. 1974.

Appellant

APPENDIX

Cases:

Abel v. Gausha, D.C. Wis. 1970, 313 F. Supp. 1030:
A teacher in a public school may not be discharged for exercising constitutionally protected freedoms.

Agnew v. Superior Court in and for Los Angeles County, 1953, 257 P. 2D 661, 118 Cal. App. 2D 230:
One taking timely appeal is entitled to perfect it, and suppression of his exercise of such right amounts to denial of equal protection of law.

Appeal of Sleeper, 1952, 87 A. 2D 115, 147 Me. 302:
The confinement of one who is mentally ill in a mental hospital is a deprivation of his liberty under this clause, unless confinement is accomplished and continued with person's voluntary consent.

B. A. Lott, Inc. v. Padgett, 1943, 14 So. 2D 667, 153 Fla. 304:
Judgments of the United States District Court became and ceased to be liens under the same conditions as judgments of state courts which became liens on debtor's real estate.

Beacham v. Carr, 122 Fla. 736, 166 So. 456 (1936):
Court of equity will not permit use of design formulated in mind of lender to evade evident purpose of usury laws and exact interest.

Carrole v. Local No. 269 International Brotherhood of Electrical Workers, 1943, 31 A. 2D 233, 133 N.J. EQ. 144:
The right to earn a livelihood is a "property right" which is guaranteed by Amend. 14 and this Clause and by Const. N. J. Art. 1, par. 1.

In re: City of Coral Gables, 1 F.R.D. 600, 28 U.S.C.A. following Section 723c:

The Federal Rules contemplates an orderly administration of justice and recognize all provisions of constitution in regard to due process of law.

Continental Mfg. Corp. v. Scranton Storage Battery Corp., D.C. Pa. 1958, 22 F.R.D. 99:

This rule requiring court to grant leave to amend freely when justice so requires was promulgated to give effect to principle that cases should be decided on their merits and not on technicalities.

Cremer v. Board of Road Com'rs. of Alger County, 1949, 37 N.W. 2D 699, 325 Mich. 27:

Veterans' Preference Act, Act. No. 22, Sect. 2, Pub. Acts 1944, prohibiting removal or suspension of veterans employed in any public department, except for cause, does not violate due process on grounds that it creates a perpetual preference without time limit.

F. & A. Ice Cream Co. v. Ardens Farms Co., D.C. Cal. 1951, 98 F Supp. 180:

Due process requires that a federal statute making certain conduct criminal should designate with certainty and definiteness act which it proscribes.

Flaska v. Little River Marine Const. Co. C. A. Fla. 1968 389 F. 2D 885:

Dismissal of action with prejudice and entry of judgment by default for failure of litigant to prosecute with reasonable diligence or to comply with district court's orders or rules of procedure are drastic remedies which should be used only in extreme situations, as the court has a wide range of lesser sanctions.

Fegers v. Pampano Farms, 104 Fla. 123, 139 So. 2D 755:

That defendant tendered interest due before institution of mortgage foreclosure suit and before notice that complaint would accelerate due date was a good defense.

Garrett v. Reid 1943, 13 So. 2D 97, 244 Ala. 254:

Due process of law means notice, a hearing according to that notice, and a judgment entered in accordance with such notice and hearing, and judgment without such citation and opportunity to be heard cannot be upheld.

Gauge v. Joint School Dist. No. 1, D.C. Wis. 1970, 310 F. Supp. 984:

Teacher in a public elementary or secondary school is protected by Amend. 14 Clause against a non-renewal decision which is wholly without basis in fact and also against the decision which is impermissibly based on race, religion, or exercise of freedom of expression under this Amendment.

Chasler Properties, Inc. v. Preston, Ohio Com. Pl. 1962, 184 N.E. 2D 552:

Wresting from property owner of property which was not, in fact, nuisance without compensating property owner therefore is violation of Constitutional limitations.

Gill v. Wilder, 1928, 116 So. 870, 95 Fla. 901:

Legal remedies, supplemented by injunction, generally are sufficient to afford due process.

Heck v. Nicholas, C.C.A. Neb. 1925, 6 F. 2D 10:

A state's sovereignty over real property within its boundaries is supreme, and it may establish rules of law and procedure affecting transfers and settlement of title without violating the federal Constitution provided that property is brought under control of its courts and reasonable opportunity to be heard is given all interested parties.

Hoffman v. Stevens, D.C. Pa. 1959, 177 F. Supp. 898:
Depriving one of property without just compensation is a denial of due process.

Houston Fire & Cas. Insurance Co. v. Ivens, C. A. Fla. 1963 323 F. 2D 112:
Upon approval of supersedeas bond by clerk of reviewing court and further action or proceeding under judgment of district court would be stayed pending appeal.

Ivor B. Clark Co. v. Hogan D.C. N.Y. 1969, 296 F. Supp. 407:
Party taking appeal from order of district court involving money judgment is entitled to stay of that judgment upon posting of supersedeas bond.

Keohane v. Swarso, Inc. C. A. Ohio, 1963, 320 F, 2D 429:
Waking a motion for amended and additional findings of fact is not a prerequisite to appellate review of a judgment dismissing a complaint.

Koscharek v. Fisher, Fla. App. 1962, 145 So. 2D 755:
Delay or failure to foreclose mortgage will be deemed to have waived right under acceleration clause to declar entire indebtedness due, if he does not elect to do so within reasonable time after default, particularly where such delay has operated to advantage of mortgages or to the detriment of mortgager.

Lafferty v. Carter, D.C. Wis. 1970, 310 F. Supp. 465:
Employment of a teacher in a public school may not be terminated for reason that he exercised freedom of expression guaranteed to him by this Amend. and Amend. 14.

Lieberbaum v. Surcomber Hotel Corp., Fla. App., 192 So. 2D 88:
A chancellor has a right to deny foreclosure of a mortgage based upon acceleration where there are substantial equities in the case which render the acceleration unscoinable.

Lyle v. Winn, 45 Fla. 419, 34 So. 158 (1936):

Where it appears from the decree in foreclosure that a portion of the money reported to be due by the master is tainted with usury, it was error to allow any sum whatever for interest.

James v. West Virginia Bd. of Regents, D.C., W. Va. 1971, 322 F. Supp. 217, Affirmed 448 F. 2D 785:

This clause due process and equal protection clause mean that rights of all persons must rest on same rules and be similarly applied in like circumstances and neither state nor its several subdivisions or officials may engage in any discriminating practices based upon race, color, creed, or national origin or deprive any person, under color of any state law or regulation, of his life, liberty or property without due process of law.

Mallatt v. Ostrander Ry. and Timber Co., D.C. Or. 1942, 46, F. Supp. 250:

A vague or uncertain statute does not meet the requirement of "due process of law.'

Marquette Corp. v. Priester, D.C., S.C. 1964, 234 F. Supp. 799:

Court should be loath to overturn judgment unless relief is compelled by unusual or exceptional circumstances, but once proper circumstances are found, this rule providing for setting aside of judgment should be given liberal construction to end that justice is accomplished.

Maxwell v. Bugbee, 250 U.S. 525:

The purpose of the equal proection clause of the Fourteenth Amendment to the Federal Constitution is to secure every person within state's jurisdiction against intentional and arbitrary discrimination, whether occasioned by the expressed terms of a statute or by its improper execution through duly constituted agents.

Orr v. Thorp, D.C. Fla. 1969, 308 F. Supp. 1369:

Assertion of rights under this Amend. by public school teacher will usually not warrant their dismissal.

Predeaux v. Des Moines Joint-Stock Land Bank, D.C. Minn. 1929, 34 F. 2D 308, Appeal dismissed 51 S. Ct. 40:

Legislature cannot take away mortgager's right to redeem from foreclosure, or to retain possession of premises until right of redemption expires; but it can either enlarge or diminish remedy available to mortgagee so long as it leaves to it some effective way of enforcing its right.

Pred v. Board of Public Instruction of Dade County, Fla. C.A. Fla. 1969, 415 F. 2D 851:

Protections of this Amend. have special meaning when teachers are involved. Teachers could not be denied their rights under this Amendment on contention that they could speak, write and believe as they chose only so long as they did elsewhere and not as public school teachers.

Purvis v. Frink, 61 Fla. 712, 54 So. 862 (1911):

Where a contract is found to be usurious, only the actual principal sum can be enforced.

Rosenblum v. Rosenblum, 1943, 42 N.Y.S. 2D 626, 181 Misc. 78:

The "due process of law" provision of this Amendment and Amend. 5 guarantees to every person his day in Court and reasonable opportunity to be heard or defend and it requires orderly proceedings in competent tribunal in accordance with generally established rules not violative of fundamental rights.

Roth v. Board of Regents of State Colleges, D.C. Wis. 1970, 310 Fed. Supp. 972 Affirmed 446 F. 2D 806:

A teacher's freedom of speech cannot be limited unless it can be shown that his utterances harm a substantial public interest.

Sanderson v. City of Willmar, 1968, 162 N.W. 2D 494, 282 Minn. 1:
"Property" as used in various guarantees against taking property without due process of law embraces every kind of property or right over which a person may have exclusive control or dominion.

Schuregmann Bros. Giant Super Markets v. Eli Lilly & Co. C.A. La. 1953, 205 F. 2D 788:
Right of property owner to fix price at which he will sell is an inherent attribute of property itself and, as such, is within protection of this clause.

601 West 26 Corp. v. Equity Capital Co., App. 177 Bo. 2D 739 (1965):
Mortgage foreclosure procedures are of statutory origin and must be strictly construed.

Smith v. Crumlish, 1966, 218 A. 2D 596, 207 Pa. Super 516:
Statute which is vague or overboard is unconstitutional insofar as it operates in area of freedoms guaranteed by Amend. 1.

Snyder v. Dravo Corp., 6 F.R.D. 546:
The right to amend a pleading is addressed to the discretion of the court, and great liberality should be allowed where it is necessary to bring about a furtherance of justice.

Sorensen v. Jacobson, 1951, 232 P. 2D 332, 125 Mont. 148:
Due process requires an orderly proceeding adapted to nature of the case and in accordance with the law, in which a person has an opportunity before the taking of property to be heard and to defend, protect, and enforce his rights.

State exrel. Smith v. 16.50, 10.04629, 3.34, 1.84, 5.97741, 3.94 and 7.49319 Acres of Land, More or Less, Del. Super. 1964, 200 A. 2D 241, Affirmed 208 A. 2D 55:
Just compensation should be assessed in terms of fair market value of premises and in order that compensation be truly just, fair market value must be assessed with respect to condition of land immediately preceding taking.

State of Minnesota v. National Tea Co., Minn. 1940, 60 S. Ct. 676, 309 U.S. 551:

The United States Supreme Court in exercise of its appellate jurisdiction has the power not only to correct errors of law in the judgment under review but also to make such disposition of the case as justice requires.

Sun Insurance Co. v. Branham, D.C. Pa. 1945, 65 F. Supp. 512:

The question of due process is a federal question.

Thompson v. Kyle, 39 Fla. 578, 86 So. 439 (1920):

Usury is a matter of defense in a mortgage foreclosure suit.

Travelers Insurance Co. v. Branham, D.C. Pa. 1945, 65 F. Supp. 512:

A supersedeas bond prevents all further proceedings in the subordinate court except such as are necessary to preserve the rights of the parties and has no retroactive operation so as to deprive the judgment of its force and authority from the beginning.

U. S. v. Peace Information Center, D.C. 1951, 97 F. Supp. 255:

A criminal statute must define the crime denounced, otherwise it will be unconstitutional as depriving one of life, liberty or property without due process of laws.

Walling v. James V. Reuter, Inc. La. 1944, 64 S. Ct. 826, 322 U. S. 671:

Where Supreme Court for any good reason may not properly proceed with the case brought to it on appeal, or where it is without power to proceed with the appeal, Court may in the exercise of its supervisory appellate power make such disposition as justice requires.

If a judgment has become moot, the Supreme Court may not consider its merits, but may make such disposition of the whole case as justice requires.

Weimer v. Bunbury, 1874, 30 Mich. 201:

Due process of law is not necessarily judicial process; much of the process by means of which the government is carried on, and the order of society maintained, is purely administrative or executive, which is as much due process of law as is judicial process.

Women's Catholic Order of Foresters v. Special School District of North Little Rock, Pulaski Co., C.C.A. Ark. 1939, 105 F. 2D 716:

The matter of interest on judgments entered in federal courts was controlled by laws of state in which such court sat.

STATUTES:

Chapter 82:14, Florida Statutes

Trial; evidence as to damages—On the trial, evidence shall be admitted as to the monthly rental value of the premises, and, in case of recovery by plaintiff, the jury shall fix his damages at double the rental value of the premises from the time of the unlawful or wrongful holding. But the damages in no case of detainer shall be fixed at more than rental value of the premises, unless the jury be satisfied from the evidence that such detention is willful and knowingly wrongful.

Chapter 294.10, Florida Statutes

Guardian's petition for authority to sell ward's real estate; notice by publication required; penalties—When any guardian of the estate of an infant or incompetent shall have the control or management or any real estate, the property of such infant or incompetent, and shall deem it necessary or expedient to sell the same, the guardian shall apply either in term time or in vacation by petition to the county judge or judge of the circuit court for the county in which said real estate may be situated for authority to sell the same, and if the prayer of said petition shall appear to the judge reasonable and just and financially beneficial to the estate of the

ward, he may authorize said guardian to sell said estate under such conditions as the interest of said infant or incompetent may, in the opinion of the said judge, seem to require. Such authority shall not be granted unless the guardian shall have given previous notice, published once a week for four consecutive weeks in a newspaper published in the county where the application is made, of his intention to make application to such judge for authority to sell the same, setting forth in said notice the time and place and to what judge said application will be made.

Chapter 394.22, Florida Statutes

Adjudication of persons mentally or physically incompetent; procedure.—

(1) PETITION FOR EXAMINATION OF PERSONS BELIEVED TO BE MENTALLY OR PHYSICALLY INCOMPETENT; PETITION. — Whenever any person within this state is believed to be incompetent by reason of mental illness, sickness, drunkness, excessive use of drugs, insanity, or other mental or physical condition, so that he is incapable of caring for himself or managing his property, or is likely to dissipate or lose his property or become the victim of designing persons, or inflict harm on himself or others, application by written petition, under oath, may be made to the county judge of the county wherein the alleged incompetent resides or may be found, or in the absence or disability of the county judge, to the judge of the circuit court of the county wherein such petition is filed, for a judicial inquiry as to the mental or physical condition or both, of the alleged incompetent.

(2) WHO MAY FILE PETITION.—The petition may be filed by:

(a) The mother, father, brother, sister, husband, wife, child or next of kin of the alleged incompetent; . . .

Chapter 689.03, Florida Statutes

Effect of such deed.—A conveyance executed substantially in the foregoing form shall be held to be a warranty deed with full

common law covenants, and shall just as effectually bind the grantor, and his heirs, as if said covenants were specifically set out therein. And this form of conveyance when signed by a married woman shall be held to convey whatever interest in the property conveyed which she may possess.

Chapter 702.02, Florida Statutes

Foreclosure procedure.—

(2) SALE BY CLERK.—In any final decree of foreclosure, the court shall direct its clerk to sell the mortgaged property at public sale on the day specified in such final decree, which day shall be not less than ten nor more than thirty days after the date of such final decree, and upon the terms and conditions as provided in such final decree.

(3) CERTIFICATION OF SALE.—After a sale of the mortgaged property, the clerk shall promptly complete and file in the proceeding a certificate of sale, . . .

If no objections to such sale be filed in the proceeding within ten days after the filing of such certificate of sale, the clerk shall thereupon complete and file in the proceeding a further certificate of title which shall be substantially in the following form: . . .

RULES

Florida Appellate Rules, Rule 3.6

RECORD-ON-APPEAL

2. What Constitutes. The record-on-appeal shall consist either of an original record of a transcript of record, or a stipulated statement prepared in accordance with these rules. A transcript of record shall be used only when so ordered by the lower court or stipulated by the parties. Appellant may, however, use a transcript as a matter of right if he elects to assume the cost thereof, which shall not be taxable as costs.

b. Duty to Prepare: Enforcement of Duties. The duty of preparing and transmitting to the court the record-on-appeal shall rest on the clerk of the lower court. The reporter shall have the duty of transcribing, certifying and transmitting to the clerk of the lower court such portions of the lower court proceedings as have been stenographically reported and designated by the parties. Appellant shall see that these duties are complied with and may enforce the same by motion in the lower or appellate court.

Federal Rules of Civil Procedures, Rule 9

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IN THE

Supreme Court of the United States

OCTOBER TERM, 1974

NO. 75-3371

FREDERICK W. COPELAND,
Appellant

VS.

FIRST FEDERAL SAVINGS AND LOAN ASSOCIATION OF LAKE COUNTY,
a Corporation,
Appellee

APPENDIX TO PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

Appeal from the Circuit Court for Citrus County; John W. Booth, Judge.

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Leesburg, Fla. 32748
For Appellee.

IN THE

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I N D E X - Page 1

	Page
BACKGROUND ----------	39
AMENDMENT ----------	42
FAMILY MEMBER'S PETITION 11-15-61 ----------	44
ORDER TO CONFINE ALLEGED IN-COMPETENT PENDING HEARING 11-19-61 ----------	46
ORDER TO SUMMON COMMITTEE 11-20-61 ----------	48
ORDER ADJUDGING INCOMPETENCY 11-27-61 ----------	50
ORDER RESTORING JUDICIAL SANITY 9-8-64 ----------	52
ORDER DENYING CORRECTION OF RECORD-ON-APPEAL - 11-11-66 -----	54
ORDER, D.C., Fla. - 11-2-66 -----	57
ORDER, CIRCUIT COURT - 10-6-66 --	58
FINAL DECREE OF MORTGAGE FORECLOSURE - 9-12-66 ----------	60
ORDER, CIRCUIT COURT - 3-30-66 --	65
ORDER, COUNTY JUDGE'S COURT 3-17-66 ----------	67

THROUGH

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I N D E X - Page 2

	Page
ORDER, D.C. Fla. - 2-7-67 -------	68
OPINION, D.C. Fla. - 7-14-67 ----	69
ORDER, D.C. Fla. - 7-14-67 ------	70
ORDER, CIRCUIT COURT - 10-17-68 -	71
ORDER, D.C. Fla. - 11-30-72 -----	73
ORDER, D.C. Fla. - 11-30-72 -----	74
ORDER DENYING MOTION TO SET ASIDE ADJUDICATION OF INCOMPETENCY - 5-17-72 ----------	75
ORDER DENYING MOTIONS 5-17-72 ----------	77
OPINION, D.C., Fla. - 1-10-73 --	80
ORDER, D.C., Fla. - 2-15-73 -----	82
ORDER, D.C., Fla. - 2-15-73 -----	83
ORDER, S. Ct., Fla. - 8-3-73 ----	84
ORDER, S. Ct., Fla. - 10-19-73 --	85
ORDER, D.C., Fla. - 1-15-75 -----	86
ORDER, D.C., Fla. - 1-27-75 -----	87
ORDER, D.C., Fla. - 1-28-75 -----	88

I N D E X - Page 3

	Page
ORDER, D.C., Fla. - 5-2-75 -------	89
ORDER, U.S. App. - 6-11-75 -------	90
LETTER, FLA. A. & M. UNIV. 3-7-72 ----------	94

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BACKGROUND

Petitioner's case has been presented to the Court on numerous occasions, however, because of one reason or another, the case has never been beyond the clerk, usually for being out of time, in violation of citations quoted herein and because of violation of Rule 23(1)(i) and (j) or lack of conformity with Rule 39, SUPREME COURT OF THE UNITED STATES. Petitioner's case is unique in that petitioner does not qualify for relief under legal aid nor is petitioner fully able to fully pay the cost of the appeal, for counsel and the printing cost. Wherefore, petitioner is outside of help from legal aid societies yet too poor to comply with all provisions of Appellate Rules of the SUPREME COURT OF THE UNITED STATES and Federal Rules of Civil Procedure. Petitioner begs the Court to take this under consideration, and in discretion of the Court, grant filing of the pleadings to correct discrepancies in attempts to file and also the case, itself.

This case has been before the Court since November 26, 1973, some 37 days after entry of the original judgment appealed from, as shown by Exhibits attached to Motion for Leave to File, but the clerk on numerous occasions returned the pleadings to petitioner for correction and substitution. When the correction and substitution were accomplished, then petitioner's pleadings were denied

because order on appeal was more than 90 days old, and the pleadings were denied in violation of citations quoted below:

1. Petitioner's pleadings are pro se and need not be so and need not be so precise as those demanded of experienced attorneys as provided in United States ex rel McLaughlin v. People of State of New York, 356 F. Supp. 988 (E.D.N.Y., 1973)

2. Petitioner seeks relief under provisions of the Federal Rules of Civil Procedure, Rule 73(a) and Rule 60, which Rule 60 grants petitioner relief from time and procedure so long as petitioner has a just grievance from which relief may be granted.

3. Petitioner seeks relief under provisions of Agnew v. Superior Court in and for Los Angeles County, 1953, 257 P. 2d 661, 118 Cal. App. 2d 230, in that one taking timely appeal is entitled to perfect it, and suspression of his exercise of such right amounts to denial of equal protection of law.

4. Petitioner seeks relief under provisions of Frances Snider etal. v. State Administration, Inc. et al., in that if papers are filed in form which are not legible, the clerk will require that new copies be substituted, but the filing shall not be deemed untimely.

5. Petitioner shows unto the Court

that petitioner's attempts to file his pleadings extended from November 26, 1973 to June 4, 1974 and said pleadings were not justly untimely for petition of writ of certiorari in that the order appealed from was only 37 days old, and the lack of filing should justly be considered sufficient legal error on part of the clerk.

The order presently appealed from was entered June 11, 1975, and was just a continuation of the earlier attempts to file, and the Court, in its discretion, should grant the petition.

AMENDMENT TO
PETITION FOR WRIT OF CERTIORARI

MOTION TO SET ASIDE ADJUDICATION
OF IN COMPETENCY

Petitioner moves the Court for an order deciding the Constitutionality of Florida Statute, Chapter 394.22(2)(a) under which petitioner was adjudged incompetent and committed by order entered November 27, 1961. Petitioner holds said statute to be unconstitutional on provision of the equal protection of law clause of the Fourteenth Amendment to the United States Constitution since the statute enabled a lone family member to petition the Court for an order adjudging petitioner incompetent and to have petitioner jailed on strength of said petition. Although this statute has been amended to now require three family members or persons to petition the Court for an order adjudging the alleged individual incompetent and jailed, nevertheless, it was under provisions of this Act that petitioner suffered and hence, has a just right to petition the Court for relief from this grievance. As it stood, under this law a kin with design against the alleged incompetent could easily take advantage of any family member and to be recipient of benefits illegally derived. Plainly, the number of members of family or other individuals should be a majority over the alleged incompetent. Considering the foregoing, petitioner has a constitutional right to petition the Court

for relief from the Act, law or statute as set forth below: (R, Vol. 2, 6-10; 11-23)(Transcript, 2-9).

WHETHER A LONE FAMILY MEMBER MAY LEGALLY SIGN THE PETITION COMMENCING INQUISITION OF INCOMPETENCY PROCEEDINGS OF THE STATE OF FLORIDA AGAINST THE ALLEGED INCOMPETENT AND NOT VIOLATE THE EQUAL PROTECTION OF LAW CLAUSE OF THE FOURTEENTH AMENDMENT TO THE UNITED STATES CONSTITUTION?

Inquisition of Incompetency

IN THE COURT OF THE COUNTY JUDGE,
IN AND FOR CITRUS COUNTY,
STATE OF FLORIDA.

COUNTY JUDGE'S O.R.BOOK 9 PG 448

FREDERICK WAYMOND COPELAND

Inquisition of Incompetency
(PETITION BY MEMBER OF FAMILY
OR NEXT OF KIN)

TO O. FRANK SCOFIELD, County Judge in and for the County

Aforesaid:

Your petitioner respectfully represents unto your Honor that she is the wife of Frederick Waymond Copeland, who is 44 years of age, and whose address is Inverness, Citrus County, Florida. The said Frederick Waymond Copeland is believed to be incompetent within the intent and meaning of Chapter 394, Florida Statutes, as amended by Chapter 23157, Laws of 1945 and as amended by Chapter 57. 317, Laws of 1957, and the nature of his disability is Mental Illness. The members of the family of the said Frederick Waymond Copeland and their addresses, are as follows:

Members of Family	Relationship
Marjorie J. Copeland P. O. Box 67 Crystal River, Florida	Wife

WHEREFORE, your petitioners pray that an examination be made as to the mental and physical condition, or both, of the said Frederick Waymond Copeland, as provided by law, and that an order be entered adjudging the said Frederick Waymond Copeland to be incompetent, if he is so found.

s/Marjorie J. Copeland

STATE OF FLORIDA

COUNTY OF CITRUS

Marjorie J. Copeland, being sworn by me, the undersigned officer, says on oath that the statements contained in the foregoing petition are true, to the best of her knowledge and belief.

s/Marjorie J. Copeland

Sworn to and subscribed before me Inverness, Citrus County, November 15th, 1961.

s/O. Frank Scofield
COUNTY JUDGE,
CITRUS COUNTY, FLORIDA

COUNTY JUDGE'S O.R.BOOK 9 PG 448

Inquisition of Incompetency

IN THE COURT OF THE COUNTY JUDGE,
IN AND FOR CITRUS COUNTY,
STATE OF FLORIDA.

FREDERICK WAYMOND COPELAND

Inquisition of Incompetency

IN THE NAME OF THE STATE OF FLORIDA, TO THE SHERIFF OF CITRUS COUNTY.

ORDER TO CONFINE ALLEGED
INCOMPETENT PENDING HEARING

WHEREAS, there has been filed before me in said court a petition alleging that Frederick Waymond Copeland is believed to be incompetent within the intent and meaning of Chapter 394, Florida Statutes, as amended by Chapter 23157, Laws of 1945, and as amended by Chapter 57.317, Laws of 1957, and Notice has been given of the time and place of the hearing to be had by and before me on the 22nd day of November, 1961, and it appearing from the evidence adduced before me that the public safety requires that the said alleged incompetent, Frederick Waymond Copeland be detained for observation and examination,

You are hereby directed to confine forthwith the said Frederick Waymond Copeland in the county jail, or other satisfactory place, in Citrus county, Florida, until the further order of this

court, there having been filed with me an affidavit setting forth facts which, in my opinion, make such detention necessary.

DONE AND ORDERED at Inverness, Citrus County, Florida, November 19th, 1961.

s/O. Frank Scofield
County Judge

SERVED

11/19/61

Burton R. Quinn, Sheriff
Citrus Co., Florida

By: s/W. D. Williams Jr.
Deputy Sheriff

Inquisition of Incompetency

IN THE COURT OF THE COUNTY JUDGE,
IN AND FOR CITRUS COUNTY,
STATE OF FLORIDA.

FREDERICK WAYMOND COPELAND

Inquisition of Incompetency

ORDER TO SUMMON COMMITTEE

IN THE NAME OF THE STATE OF FLORIDA TO THE SHERIFF OF SAID CITRUS COUNTY.

WHEREAS, there has been filed before me on this day, a petition alleging that Frederick Waymond Copeland is incompetent, and that his disabilities are:

Mental Illness

You are, therefore, commanded forthwith to summon Gail M. Osterhout, M.D., and Alfred G. Brown, M.D., and Otto F. Allen as a committee of examination.

Within a reasonable time after service of this summons they are required to secure the presence of Frederick Waymond Copeland, the above alleged incompetent, and to make such examination of him as will enable them to ascertain thoroughly his mental and physical condition at the time of the examination. If they consider him to be incompetent, they shall determine whether his condition is acute or chronic; what the apparent cause is; what hallucinations,

if any, he has; and what his age and propensities are. They are further directed to ascertain whether the said Frederick Waymond Copeland, is indigent or possesses sufficient available means for his support; and in making such investigation they may give consideration to the possibilities of him acquiring property in the future.

Given under my hand and official seal in Inverness, Citrus County, Florida, November 20th, 1961.

s/O. Frank Scofield
County Judge

SERVED

11/20/61

Burton R. Quinn, Sheriff
Citrus Co., Florida

By s/Lolita M. Dickinson
Deputy Sheriff

STATE OF FLORIDA

FREDERICK WAYMOND COPELAND

Inquisition of Incompetency

ORDER ADJUDGING INCOMPETENCY

This matter coming on this day to be heard from the report of the examining committee heretofore appointed by this court and from the evidence introduced at the hearing on the petition heretofore filed in this court, and it appearing to the satisfaction of this court that Frederick Waymond Copeland, the person now under investigation, is incompetent and that he is incompetent by reason of Paranoid Schizophrenia that the said incompetent is now a resident of Citrus county, and has been a resident of the state of Florida for a period of 44 years; that his incompetency is acute _____ chronic __X__, the particular hallucinations being Paranoid Schizophrenia; that his propensities are Threatening to wife c̄ Obsessive Ideas; that his age is 44 yrs; that the said incompetent Frederick Waymond Copeland does not require mechanical restraint to prevent him from self-injury or violence to others, and that he is indigent or destitute and is eligible to be committed as such;

It is, therefore, ordered and adjudged that the said Frederick Waymond

Copeland _____ is _____ incompetent within the meaning of the statutes in such cases made and provided.

DONE AND ORDERED in Inverness, Citrus County, Florida, November 27th, 1961.

s/O. Frank Scofield
County Judge

COUNTY JUDGE'S O.R. BOOK 9 PG 449

EED THROUGH

COUNTY JUDGE'S O.R.BOOK 14 PG 196

Inquisition of Incompetency

IN THE COURT OF THE COUNTY JUDGE,
IN AND FOR CITRUS COUNTY,
STATE OF FLORIDA.

FREDERICK W. COPELAND, also
known as FREDERICK WAYMOND COPELAND

Inquisition of Incompetency

ORDER RESTORING JUDICIAL SANITY

This matter coming on this day to be heard upon the petition filed in this court for the purpose of having the sanity and competency of FREDERICK W. COPELAND judicially determined and no objections having been filed in this court to said petition, from the evidence introduced at the hearing on said petition, the court finds and decrees:

1. That the said FREDERICK W. COPELAND is of sound mind judicially and is capable of managing his own affairs.

2. That the said FREDERICK W. COPELAND be immediately restored to his personal liberty.

3. That the (guardian)(committee) (trustee) of said FREDERICK W. COPELAND shall within ten days from this date make full settlement with said FREDERICK W. COPELAND, so restored to the status of

judicial sanity, of all his property in (their)(his) custody and control, under penalty of contempt of this court and the punishment thereof.

DONE AND ORDERED at Inverness, Florida, Sept. 8th, 1964.

s/O. Frank Scofield
County Judge

COUNTY JUDGE'S O.R.BOOK 14 PG 196

IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT OF THE STATE OF FLORIDA, IN AND FOR CITRUS COUNTY.

IN CHANCERY. CASE NO. 1997

FIRST FEDERAL SAVINGS AND LOAN ASSOCIATION OF LAKE COUNTY, a Corporation,

Plaintiff-Appellee,

vs.

FREDERICK W. COPELAND,

Defendant-Appellant.

APPEAL CASE NO. 7336
DISTRICT COURT OF APPEALS
SECOND DISTRICT

ORDER DENYING CORRECTION OF RECORD-ON-APPEAL

THIS CAUSE coming on to be heard on the Motion of the Plaintiff-Appellee, for Correction of the Record-on-Appeal, and the Court having heard arguments of counsel and the Defendant-Appellant, and being fully advised in the premises, it is the considered opinion of the Court:

1. That the only exhibits admitted into evidence at the Final Hearing in this cause were Plaintiff's Exhibit

(EXHIBIT #3)

Number 1, which was the promissory note; Plaintiff's Exhibit Number 2, which was the mortgage; and Defendant's only exhibit, which was the letter from Plaintiff to Defendant dated March 18, 1966.

2. That, to the best of the Court's recollection, the only other exhibit which was attempted to be introduced into evidence by the Defendant was a carbon copy of a Lease and Option to Buy, which was unsigned and ruled to be inadmissable as not being the best evidence.

3. That, to the best of the Court's recollection, the Final Hearing lasted about one (1) hour, and there were no witnesses called for the Defendant other than the Defendant himself, FREDERICK W. COPELAND.

4. That as to all of the other exhibits filed by the Defendant subsequent to September 7, 1966, the date of the Final Hearing, excluding the Appellate proceedings, there was, to the best of the Court's recollection, no attempt made whatsoever to admit them into evidence for the consideration of the Court and they should not properly constitute a part of the Record-on-Appeal.

5. That, however, since the Defendant insists that he had all or most of said exhibits present with him at the Final Hearing and was not allowed to introduce them into evidence, it is:

ORDERED AND DECREED that the final determination of the correctness of the Record-on-Appeal be left to the Appellate Court, based upon the entire Appellate proceedings; and, accordingly, Plaintiff-Appellee's Motion for Correction of Record-on-Appeal is hereby denied.

DONE AND ORDERED in Chambers at Inverness, Citrus County, Florida, this 11th day of November, A. D. 1966.

/S/ Carroll W. Fussell
Circuit Judge

IN THE DISTRICT COURT OF APPEAL
OF THE STATE OF FLORIDA
IN AND FOR THE SECOND DISTRICT
JULY TERM, A. D. 1966
WEDNESDAY, NOVEMBER 2, 1966

(EXHIBIT #2)

FREDERICK W. COPELAND,
Appellant,

v.

CASE NO.
7336

FIRST FEDERAL SAVINGS AND
LOAN ASSOCIATION OF LAKE
COUNTY, a Corporation,
Appellee.

The attorney for Appellee has filed a Motion to Dismiss the appeal in this cause, and, upon consideration, it is

ORDERED that the said Motion be and the same is hereby denied. It is further

ORDERED that the time within which Appellee may file cross-assignments of error and cross-directions to the Clerk be and the same is hereby extended to and including November 11, 1966.

A TRUE COPY
TEST:
s/Joseph E. Ulliss
CLERK, DISTRICT COURT OF APPEAL
SECOND DISTRICT
CC: Mr. Charles B. P. Sellar
Mr. Frederick W. Copeland
Hon. Francis W. Williams

IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT OF THE STATE OF FLORIDA, IN AND FOR CITRUS COUNTY

IN CHANCERY. CASE NO. 1997

FIRST FEDERAL SAVINGS AND LOAN ASSOCIATION OF LAKE COUNTY, a Corporation,

Plaintiff,

vs.

FREDERICK W. COPELAND and MARJORIE J. COPELAND, his wife

Defendants.

FORECLOSURE PROCEEDINGS

ORDER

This cause comes to be heard on the motion for supersedeas bond of the Defendant, Frederick W. Copeland, in order to stay proceedings of sale of mortgage in the above styled cause, and

Upon consideration of the same, it is

CONSIDERED and ORDERED that Defendant, Frederick W. Copeland, be, and he is hereby granted the right of securing a supersedeas bond in the amount of $2,000.00 in order to stay foreclosure proceedings, for purpose of an appeal in said cause, in the DISTRICT COURT OF

APPEAL, SECOND DISTRICT, STATE OF FLORIDA at Lakeland, and it is further

CONSIDERED and ORDERED that the Defendant be, and he is hereby allowed statutory provisions in amount of thirty days notice prior to sale of mortgage following an order, judgment or decree of his said appeal.

DONE and ORDERED at Inverness, Florida this 6 day of October, A. D. 1966.

s/D. R. Smith
Circuit Judge

CERTIFIED TO BE A TRUE COPY
Attest: Raymond Hoierman
Clerk Circuit Court

By s/Virginia Daly, D.C.

This 23 day of Dec. A.D. 1968

IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT OF THE STATE OF FLORIDA, IN AND FOR CITRUS COUNTY.

IN CHANCERY. CASE NO. 1997

FIRST FEDERAL SAVINGS AND LOAN ASSOCIATION OF LAKE COUNTY, a Corporation,

Plaintiff,

vs.

FREDERICK W. COPELAND and MARJORIE J. COPELAND, his wife,

Defendants.

FORECLOSURE PROCEEDINGS

FINAL DECREE OF MORTGAGE FORECLOSURE

THIS CAUSE, coming on to be heard upon the pleadings, proofs and evidence given at the Final Hearing, Decree Pro Confesso heretofore entered against the Defendant, MARJORIE J. COPELAND, and application of the Plaintiff, FIRST FEDERAL SAVINGS AND LOAN ASSOCIATION OF LAKE COUNTY, for entry of a Final Decree, upon consideration, it is hereby,

ORDERED, ADJUDGED AND DECREED:

1. This Court has jurisdiction of the subject matter hereof and of the parties hereto. The equities of the cause are with the Plaintiff, FIRST FEDERAL SAVINGS AND LOAN ASSOCIATION OF LAKE COUNTY, and against the Defendants,

FREDERICK W. COPELAND and MARGARET J. COPELAND, his wife.

2. There is due and owing to the Plaintiff, FIRST FEDERAL SAVINGS AND LOAN ASSOCIATION OF LAKE COUNTY, the sum of $12,069.09 as unpaid principal of the indebtedness agreed to be paid on the mortgage herein foreclosed and the note secured thereby, and $1,300.00 for attorney's fee, making a total of $13,369.09 due to the Plaintiff, FIRST FEDERAL SAVINGS AND LOAN ASSOCIATION OF LAKE COUNTY.

3. A lien is held by the Plaintiff, FIRST FEDERAL SAVINGS AND LOAN ASSOCIATION OF LAKE COUNTY, for the total sum specified in the preceding paragraph, superior in dignity to any right, title, interest or claim of the Defendants upon the mortgaged property herein foreclosed, situate in Citrus County, Florida, described as follows:

> Lots 195 and 196 of KNIGHT'S ADDITION to the Town of Crystal River, Florida, according to the map or plat thereof recorded in Plat Book 1, page 28, Public Records of Citrus County, Florida.

4. If the aforesaid total sum due to the Plaintiff, FIRST FEDERAL SAVINGS AND LOAN ASSOCIATION OF LAKE COUNTY, plus interest on the aforesaid principal at the rate specified in the note and mortgage from and after the date of this

Decree, and all costs of this proceeding incurred subsequent to the date of this Decree, are not forthwith paid, the Clerk of the Court shall sell that property at public sale, at 11:30 in the forenoon, on October 6, 1966, to the highest and best bidder or bidders, for cash, at the West front door of the Citrus County Courthouse in the City of Inverness, Florida, after having first given Notice as required by Section 702.02, Florida Statutes.

5. That the Plaintiff shall advance the cost of publishing the Notice of Sale and the Clerk's fee ($10.00) for making the sale, and shall be reimbursed therefor by the Clerk out of the proceeds of the sale if the Plaintiff shall not become the purchaser of the property at the sale.

6. The Plaintiff may be bidder for the purchase of the property at the sale. If the Plaintiff shall be the purchaser of the property at the sale, the Clerk shall credit on the bid of the Plaintiff the total sum herein found to be due to the Plaintiff, or such portion thereof as may be necessary to pay fully the bid of the Plaintiff, except that the sums mentioned in Paragraph 7(a) of this Decree must be paid in cash.

7. After confirmation of that sale, whether confirmation be by the Clerk filing the Certificate of Title, or by Order of this Court ruling upon objections to that sale, the Clerk shall make

distribution of the proceeds of that sale by paying:

(a) All costs and expenses of these proceedings subsequent to the entry of this Final Decree, including the cost of publishing the Notice of Sale and the Clerk's fee ($10.00) for making the sale (unless the Plaintiff, having already paid for those two items of cost, shall be the purchaser at the sale), and the cost of the Federal stamps and State documentary tax stamps affixed to the Certificate of Title, and the fee hereinabove allowed to the attorney for the Plaintiff.

(b) The total sum herein found to be due to the Plaintiff, plus interest on the unpaid principal specified in Paragraph 2 hereof, at the rate prescribed in the note and mortgage from the date of this Decree to the date of the sale.

8. If the total amount realized on the sale exceeds the total of the sums ordered to be paid by Paragraph 7 of this Decree, the Clerk shall disburse the surplus of that amount as this Court shall hereafter direct, and if the total amount realized shall not be sufficient to pay all of those sums, the Clerk shall pay first those specified in Paragraph 7(a), and shall pay the balance to the Plaintiff, who shall thereafter be entitled to such deficiency

as the Court shall allow.

9. Upon the confirmation of the sale, whether by the Clerk filing the Certificate of Title herein or by Order of the Court ruling upon objections to the sale, the said Defendants and any and all persons claiming by, through or under the Defendants since September 3, 1965, the date of the filing of the Lis Pendens herein, are forever barred and foreclosed of and from all right, title, interest, claim or demand of any kind or nature whatsoever, in and to the property herein described and the purchaser at the sale, his representatives or assigns, shall be let into possession of that property.

DONE AND ORDERED in Chambers at the Citrus County Courthouse in Inverness, Florida, this 12th day of September, A. D. 1966.

s/Carroll W. Fussell
Circuit Judge

IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT OF THE STATE OF FLORIDA, IN AND FOR CITRUS COUNTY.

IN CHANCERY. CASE NO. 1997

FIRST FEDERAL SAVINGS AND LOAN ASSOCIATION OF LAKE COUNTY, a Corporation,

Plaintiff,

vs.

FREDERICK W. COPELAND and MARJORIE J. COPELAND, his wife,

Defendants.

O R D E R

This cause comes on to be heard on the petition of the Defendant to delay foreclosure proceedings in order to allow time for appeal of incompetency status and time for the Plaintiff to submit to the Court the audit requested by the Defendant in his petition, and

Upon consideration of the same, it is

Considered and Ordered that the Defendant be, and he is hereby, allowed until June 15, 1966, to appeal his incompetency status in the Courts according to the demands of the Courts and that the Plaintiff be, and it is hereby, allowed until April 15, 1966, to submit the financial statement requested in the

petition.

DONE and ORDERED at Inverness, Florida, this 30th day of March, A.D. 1966.

s/Carroll W. Fussell
CIRCUIT JUDGE

BOOK 197 PAGE 531

FILE NO.
1966 Mar 30 PM 12:41

Filed & Recorded
Citrus County Florida
Francis M. Williams, Clerk

IN THE COUNTY JUDGE'S COURT, IN AND FOR CITRUS COUNTY, FLORIDA.

In Re: FREDERICK WAYMOND COPELAND

O R D E R

This cause comes to be heard upon the PETITION TO QUIT INQUISITION OF INCOMPETENCY, supporting affidavits and medical reports of Frederick Waymond Copeland and oral statements by petitioner.

Upon consideration of the same, it is

CONSIDERED and ORDERED that the PETITION TO QUIT INQUISITION OF INCOMPETENCY of said Frederick Waymond Copeland is hereby denied.

DONE AND ORDERED in Chambers at Inverness, Citrus County, Florida this 17 day of March A. D. 1966.

s/O. Frank Scofield
O. Frank Scofield
County Judge,
Citrus County, Florida

COUNTY JUDGE'S O.R.BOOK 17 PG 691

IN THE DISTRICT COURT OF APPEAL
OF THE STATE OF FLORIDA
IN AND FOR THE SECOND DISTRICT
JANUARY TERM, A. D. 1967
TUESDAY, FEBRUARY 7, 1967

FREDERICK W. COPELAND,
Appellants,

v. CASE NO. 7336

FIRST FEDERAL SAVINGS AND LOAN ASSOCIATION OF LAKE COUNTY, a Corporation,
Appellee.

Consideration of the Motion of Appellee to Strike the Appellant's Brief and to correct the record on appeal is deferred until the appeal in this cause is heard and considered on the merits.

A TRUE COPY
TEST:

s/Joseph E. Ulliss
CLERK, DISTRICT COURT OF APPEAL
SECOND DISTRICT

CC: Charles B. P. Sellar
Frederick W. Copeland

(EXHIBIT #4)

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

JULY TERM, A. D. 1967

FREDERICK W. COPELAND,
Appellant,

v.

CASE NO.
7336

FIRST FEDERAL SAVINGS & LOAN
ASSOCIATION OF LAKE COUNTY,
a corporation,
Appellee.

Opinion filed July 14, 1967.

Appeal from the Circuit Court for
Citrus County; Carroll W. Fussell,
Judge.

Frederick W. Copeland, in Pro. Per.

Charles B. P. Sellar of Sellar &
Twyford, Leesburg, for Appellee.

PER CURIAM.

Affirmed.

LILES, C. J., and SHANNON and PIERCE,
JJ., CONCUR.

IN THE DISTRICT COURT OF APPEAL
OF THE STATE OF FLORIDA
IN AND FOR THE SECOND DISTRICT
JULY TERM, A. D. 1967
FRIDAY, JULY 14, 1967

(EXHIBIT #5)

FREDERICK W. COPELAND,
Appellant,

v.

CASE NO.
7336

FIRST FEDERAL SAVINGS AND LOAN ASSOCIATION OF LAKE COUNTY, a Corporation,
Appellee.

The attorney for Appellee has filed a Motion to Strike the Appellant's Brief and Appendix and to correct the Record on Appeal in this cause, and, upon consideration, it is

ORDERED that the said Motion be and the same is hereby denied.

The "Motion for Fees" filed by the Appellant is denied.

A TRUE COPY
TEST:
s/Joseph E. Ulliss
CLERK, DISTRICT COURT OF APPEAL
SECOND DISTRICT

CC: Charles B. P. Sellar
Frederick W. Copeland

IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT OF THE STATE OF FLORIDA, IN AND FOR CITRUS COUNTY.

IN CHANCERY. CASE NO. 1997.

FIRST FEDERAL SAVINGS AND LOAN ASSOCIATION OF LAKE COUNTY, a Corporation,

Plaintiff,

vs.

FREDERICK W. COPELAND,

Defendant.

O R D E R

This cause comes to be heard on the Motion of Defendant to vacate Certificate of Title by Clerk, and

Upon consideration of the same, it is

Considered and Ordered that the Motion to vacate Certificate of Title by Clerk be, and it is hereby, denied.

DONE and ORDERED at Inverness, Florida, this 17th day of October, A.D. 1968.

s/Carroll W. Fussell
Circuit Judge

CERTIFIED TO BE A TRUE COPY

Attest: Raymond Hoierman
Clerk Circuit Court

By s/Virginia Daly, D.C.

This 18 day of Oct. A. D. 1968

IN THE DISTRICT COURT OF APPEAL
OF THE STATE OF FLORIDA
IN AND FOR THE SECOND DISTRICT
JULY TERM, A. D. 1972
THURSDAY, NOVEMBER 30, 1972

FREDERICK W. COPELAND,
Appellant,

v.

CASE NO.
72-498

FIRST FEDERAL SAVINGS AND LOAN ASSOCIATION OF LAKE COUNTY, a Corporation,
Appellee.

The Appellant, Pro Se, has filed a Motion to File Recordings and to Correct the Transcript of Hearing in this cause and, upon consideration, it is

ORDERED that the said Motion be and the same is hereby granted.

A TRUE COPY
TEST:
s/C. L. Dillahunty
CLERK, DISTRICT COURT OF APPEAL
SECOND DISTRICT

cc: Mr. Frederick W. Copeland
Mr. Charles B. P. Sellar
Hon. Walt Connors

IN THE DISTRICT COURT OF APPEAL
OF THE STATE OF FLORIDA
IN AND FOR THE SECOND DISTRICT
JULY TERM, A. D. 1972
THURSDAY, NOVEMBER 30, 1972

FREDERICK W. COPELAND,
Appellant,

v. CASE NO.
72-498

FIRST FEDERAL SAVINGS AND LOAN
ASSOCIATION OF LAKE COUNTY, a
Corporation,
Appellee.

The Appellant, Pro Se, has filed a Motion to Restyle and Reinstate Dismissed Cause in this appeal and, upon consideration, it is

ORDERED that the said Motion be and the same is hereby denied.

A TRUE COPY
TEST:
s/C. L. Dillahunty
CLERK, DISTRICT COURT OF APPEAL
SECOND DISTRICT

cc: Mr. Frederick W. Copeland
Mr. Charles B. P. Sellar
Hon. Walt Connors

IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT OF THE STATE OF FLORIDA, IN AND FOR CITRUS COUNTY.

IN CHANCERY. CASE NO. 1997

FIRST FEDERAL SAVINGS AND LOAN ASSOCIATION OF LAKE COUNTY, a Corporation, et al,
Plaintiffs,

vs.

FREDERICK W. COPELAND,
Defendant.

FORECLOSURE PROCEEDINGS

In Re: Frederick W. Copeland
Incompetent,
COUNTY JUDGE'S COURT,
IN AND FOR CITRUS
COUNTY, FLORIDA

ORDER DENYING MOTION TO SET ASIDE ADJUDICATION OF INCOMPETENCY

This cause came on to be heard on March 6, 1972, on Defendant's, FREDERICK W. COPELAND'S, Motion To Set Aside Adjudication Of Incompetency and the Court having considered the Motion itself and the testimony and arguments of the Defendant in support of it finds that not only is it improperly styled and presented as part of a foreclosure suit but that there was no basis either in law or fact presented whereby this Court could even consider its granting and

ACCORDINGLY IT IS

ORDERED AND ADJUDGED that the Motion of FREDERICK W. COPELAND seeking to set his prior adjudication of incompetency in the County Judge's Court of Citrus County, Florida, is hereby denied and dismissed.

DONE AND ORDERED in chambers at Inverness, Florida, this 17th day of May, 1972.

s/John W. Booth
Circuit Judge

I hereby certify that a copy of the foregoing Order Denying Motion To Set Aside Adjudication of Incompetency has been furnished by U. S. Mail to the First Federal Savings and Loan Association of Lake County, Leesburg, Florida; and to Frederick W. Copeland, 637 N. E. 2nd Street, Crystal River, Florida 32629; this 18th day of May, 1972.

WALT CONNORS, Clerk of Circuit Court

IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT OF THE STATE OF FLORIDA, IN AND FOR CITRUS COUNTY.

IN CHANCERY. CASE NO. 1997

FIRST FEDERAL SAVINGS AND LOAN ASSOCIATION OF LAKE COUNTY, a Corporation, et al,
Plaintiffs,

vs.

FREDERICK W. COPELAND,
Defendant.

FORECLOSURE PROCEEDINGS

ORDER DENYING MOTIONS

THIS CAUSE came on to be heard on March 6, 1972, on Defendant's, FREDERICK W. COPELAND'S, various motions and the Court having carefully considered all of the pertinent pleadings, heard the testimony of some twelve witnesses and heard the arguments of the said Defendant in his own behalf and of Plaintiff's counsel, Charles B. P. Sellar, finds as follows:

1. That the testimony presented by the twelve witnesses called by and including the Defendant had little or no relevance to the various motions dealing as it did primarily with matters which took place after the foreclosure sale such as rent paid by various tenants and

the disposition of the Defendant's personal property.

2. That the various motions themselves, specifically the Amended Motion To Reverse Judgment, the Motion To Strike Warranty Deeds and the Motion To Reverse Judgment presented no basis for their being granted by this Court.

3. That, insofar as this Court can determine from the court record, this matter has been fully and completely adjudicated, which finding is amply supported by the numerous and excessive appeals prosecuted by the Defendant which have consistantly been considered and denied.

ACCORDINGLY IT IS

ORDERED AND ADJUDGED that there being no sound basis in fact or law for the said motions of the Defendant that they be and are hereby denied.

DONE AND ORDERED in chambers at Inverness, Florida, this 17th day of May, 1972.

s/John W. Booth
CIRCUIT JUDGE

I hereby certify that a copy of the foregoing Order Denying Motions has been furnished by U. S. Mail to the First Federal Savings and Loan Association of Lake County, Leesburg, Florida; and to

Frederick W. Copeland, 637 N. E. 2nd Street, Crystal River, Florida 32629; this 18th day of May, 1972.

WALT CONNORS
Clerk of Circuit Court

By s/Betty J. Fischer
Deputy Clerk

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING PETITION AND, IF FILED, DETERMINED.

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT
JANUARY TERM, A. D. 1973

FREDERICK W. COPELAND,
Appellant,

v.

CASE NO.
72-498

FIRST FEDERAL SAVINGS AND LOAN ASSOCIATION OF LAKE COUNTY,
a corporation,
Appellee.

Opinion filed January 10, 1973.

Appeal from the Circuit Court for Citrus County; John W. Booth, Judge.

Frederick W. Copeland in pro. per.

Charles B. P. Sellar, Leesburg, for Appellee.

PER CURIAM.

The appellant, Frederick W. Copeland, has exhausted the judicial procedures in every court from the circuit court in and for Citrus County to the

United States Supreme Court regarding this case. It started out to be and remains to this date a simple mortgage foreclosure.

We have for the second time read the briefs, the record and other instruments filed in this cause and rely for affiramce on Copeland v. First Federal Savings & Loan Association of Lake County, Fla. App. 1967, 201 So.2d 847, our original decision in his first appeal.

Affirmed.

LILES, A.C.J., and HOBSON, J., and PIERCE, J., (RET.), CONCUR.

IN THE DISTRICT COURT OF APPEAL
OF THE STATE OF FLORIDA
IN AND FOR THE SECOND DISTRICT
JANUARY TERM, A. D. 1973
THURSDAY, FEBRUARY 15, 1973

FREDERICK W. COPELAND,
Appellant,

v. CASE NO.
72-498

FIRST FEDERAL SAVINGS AND LOAN
ASSOCIATION OF LAKE COUNTY,
a corporation,
Appellee.

The Appellant having filed in this cause a Petition for Rehearing and the same having been considered by the Court, it is

ORDERED that the said Petition be and the same is hereby denied.

A TRUE COPY
TEST:
s/C. L. Dillahunty
CLERK, DISTRICT COURT OF APPEAL
SECOND DISTRICT

CC: Frederick W. Copeland
Charles B. P. Sellar

IN THE DISTRICT COURT OF APPEAL
OF THE STATE OF FLORIDA
IN AND FOR THE SECOND DISTRICT
JANUARY TERM, A. D. 1973
THURSDAY, FEBRUARY 15, 1973

FREDERICK W. COPELAND,
Appellant,

v.

CASE NO.
72-498

FIRST FEDERAL SAVINGS AND LOAN
ASSOCIATION OF LAKE COUNTY,
a corporation,
Appellee

The Appellant having filed in this cause a Petition to Remand Dismissed Incompetency Proceedings to Court of Original Jurisdiction for Hearing and the same having been considered by the Court, it is

ORDERED that the said Petition be and the same is hereby denied.

A TRUE COPY
TEST:
s/C. L. Dillahunty
CLERK, DISTRICT COURT OF APPEAL
SECOND DISTRICT

CC: Frederick W. Copeland
Charles B. P. Sellar

IN THE SUPREME COURT OF FLORIDA
JULY TERM, A. D. 1973
FRIDAY, AUGUST 3, 1973

FREDERICK W. COPELAND,
Appellant,

vs. CASE NO. 43,440

FIRST FEDERAL SAVINGS AND LOAN ASSOCIATION OF LAKE COUNTY, a corporation,
Appellee.

It appearing to the Court that it is without jurisdiction of this cause, it is ordered that the appeal be and the same is hereby dismissed.

CARLTON, C.J., ROBERTS, BOYD, McCAIN and DEKLE, JJ., concur

A True Copy
TEST:
Sid J. White
Clerk Supreme Court.
By: s/Kay D. Yent
Deputy Clerk.

CC: Hon. Wm. A. Haddah, Clerk
Hon. Walt Connors, Clerk
Hon. John W. Booth, Judge

Mr. Frederick W. Copeland
Hon. Charles B. P. Sellar
Hon. Robert R. Crittenden

IN THE SUPREME COURT OF FLORIDA
JULY TERM, A. D. 1973
FRIDAY, OCTOBER 19, 1973

FREDERICK W. COPELAND,
Appellant,

vs.

CASE NO.
43,440

FIRST FEDERAL SAVINGS AND
LOAN ASSOCIATION OF LAKE
COUNTY, a corporation,
Appellee

The Petition for Rehearing Dismissed Appellate Review or to Remand to Courts of Original Jurisdiction for Rehearing filed by appellant is hereby denied.

CARLTON, C.J., ROBERTS, BOYD, McCAIN and DEKLE, JJ., concur

A True Copy
TEST:
Sid J. White
Clerk Supreme Court.
By: s/Kay O. Yent, Deputy Clerk.

CC: Hon. Wm. A. Haddad, Clerk
Hon. Walt Connors, Clerk
Hon. John W. Booth, Judge
Mr. Frederick W. Copeland
Hon. Charles B. P. Sellar
Hon. Robert R. Crittenden

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
OCALA DIVISION

FREDERICK W. COPELAND,
Petitioner,

v. NO. 74-40-Civ-Oc

FIRST FEDERAL SAVINGS AND LOAN ASSOCIATION OF LAKE COUNTY, a corporation,
Respondent.

ORDER

ORDERED:

Petitioner's motion to reverse foreclosure proceedings, filed herein November 26, 1974, is hereby denied.

DONE AND ORDERED at Jacksonville, Florida, this 15th day of January, 1975.

Original signed:
CHARLES R. SCOTT
Judge

CC Mr. Frederick W. Copeland
Post Office Box 523
Crystal River, Florida, 32629

Charles B. P. Sellar, Esquire
800 North Boulevard West
Leesburg, Florida, 32748

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
OCALA DIVISION

FREDERICK W. COPELAND,
Petitioner,

v. NO. 74-40-Civ-Oc

FIRST FEDERAL SAVINGS AND LOAN ASSOCIATION OF LAKE COUNTY,
a corporation,
Respondent.

ORDER

ORDERED:

Petitioner's motion for rehearing, filed herein January 24, 1975, is hereby denied.

DONE AND ORDERED at Jacksonville, Florida, this 27th day of January, 1975.

Original signed:
CHARLES R. SCOTT
Judge

Copies to:

Mr. Frederick W. Copeland
Post Office Box 523
Crystal River, Florida, 32629

Charles B. P. Sellar, Esquire
800 North Boulevard West
Leesburg, Florida, 32748

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
OCALA DIVISION

FREDERICK W. COPELAND,
Petitioner,

v. NO. 74-40-Civ-Oc

FIRST FEDERAL SAVINGS AND LOAN ASSOCIATION OF LAKE COUNTY, a corporation,
Respondent.

ORDER

ORDERED:

Petitioner's motion to set aside adjudication of incompetency, filed herein November 26, 1974, is hereby denied.

DONE AND ORDERED at Jacksonville, Florida, this 28th day of January, 1975.

Original signed:
CHARLES R. SCOTT
Judge

Copies to:

Mr. Frederick W. Copeland
Post Office Box 523
Crystal River, Florida, 32629

Charles B. P. Sellar, Esquire
800 North Boulevard West
Leesburg, Florida, 32748

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
OCALA DIVISION

FREDERICK W. COPELAND,
Petitioner,
v.
FIRST FEDERAL SAVINGS AND LOAN ASSOCIATION OF LAKE COUNTY, a corporation,
Respondent.

NO. 74-40-Civ-Oc

ORDER

ORDERED:

Petitioner's motion for leave to appeal out of time, filed herein April 28, 1975, is hereby denied.

DONE AND ORDERED at Jacksonville, Florida, this 2nd day of May, 1975.

Original signed:
CHARLES R. SCOTT
Judge

Copies to:
Mr. Frederick W. Copeland
Post Office Box 523
Crystal River, Florida, 32629

Charles B. P. Sellar, Esquire
800 North Boulevard West
Leesburg, Florida, 32748

Honorable Robert L. Shevin
Attorney General
The Capitol
Tallahassee, Florida, 32304

UNITED STATES COURT OF APPEALS
Fifth Circuit

Office of the Clerk

June 11, 1975

MEMORANDUM TO COUNSEL OR PARTIES LISTED BELOW:

No. ------ Frederick W. Copeland vs. First Federal Savings & Loan Assoc. of Lake Cty., etc., et al.
No. ------ Frederick W. Copeland vs. People of the State of Florida, et al.

(Dist. Ct. Nos. 74-40 CIV-OC & 74-42 CIV-OC)

Gentlemen:

The following action has this day been taken in the above case:

( ) Motion to consolidate granted.

( ) Motion to supplement or correct record granted.

( ) Motion for leave to file supplemental brief granted.

( ) A stay of mandate has been granted to and including

( ) The Court's opinion-order on petition for rehearing and petition for rehearing en banc has this day been rendered and a copy thereof is enclosed.

( ) Joint Motion as to time for filing briefs granted.

(X) Order enclosed has been entered.

( )

Very truly yours,

EDWARD W. WADSWORTH, Clerk

By s/Clare F. Sachs
Deputy Clerk

cc Mr. Frederick W. Copeland
Mr. Robert Shevin
Mr. Charles B. P. Sellar
Mr. John L. Briggs
Mr. Wesley R. Thies, Clerk

P.S. to Mr. Thies: Returned herewith are your original papers. Please acknowledge receipt.

P.S. to Mr. Copeland: Returned herewith is your check No. 99930 in the amount of $100.00, and your original papers.

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. --------

FREDERICK W. COPELAND,

Petitioner,

versus

FIRST FEDERAL SAVINGS AND LOAN ASSOCIATION OF LAKE COUNTY, a Corporation, ET AL.,

Respondents.

No. ---------

FREDERICK W. COPELAND,

Petitioner,

versus

PEOPLE OF THE STATE OF FLORIDA, GOVERNOR OF THE STATE OF FLORIDA, ATTORNEY GENERAL OF FLORIDA,

Respondents.

- - - - -

Appeals from the United States
District Court for the Middle
District of Florida

- - - - -

Before WISDOM, BELL, and CLARK, Circuit Judges

BY THE COURT:

IT IS ORDERED that the motions filed by petitioner for leave to docket the above referenced appeals out of time are denied.

JMW

TBB

CC

FLORIDA AGRICULTURAL AND MECHANICAL
UNIVERSITY
Tallahassee, Florida

Office of Admissions and Records

March 7, 1972

The Honorable John W. Booth
Judge, Circuit Court of Citrus County
Citrus County Court House
Inverness, Florida

Dear Judge Booth:

In accordance with our telephone conversation this afternoon, I am herewith enclosing a copy of the official record of Frederick W. Copeland as it appears on file here at Florida A. & M. University.

I deeply appreciate the fact that you permitted me to mail his record rather than bring it in person.

Regarding Mr. Copeland, may I say that the contact I had with him on a student/administrator basis while he was a student here was such that he impressed me very favorably. He was an excellent student and his record speaks for itself. There is no adverse information in his file here regarding conduct.

I trust that this information is the kind that you desire.

Respectfully yours,

s/Edwin M. Thorpe
Edwin M. Thorpe
University Registrar

EMT/gg

Filed this 8th day of March, 1972

JWB

FILED & RECORDED
CITRUS COUNTY, FLORIDA
WALT CONNORS, CLERK

'72 MAR 9 PM 2 11

FILED
OCT 14 1975
MICHAEL RODAK, JR., CLERK

IN THE
SUPREME COURT
OF THE
UNITED STATES

OCTOBER TERM, 1975

NO. 75-337

FREDERICK W. COPELAND,

Petitioner,

v.

PEOPLE OF THE STATE OF FLORIDA, et al.,

Respondents.

ON PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

BRIEF FOR RESPONDENTS IN OPPOSITION

ROBERT L. SHEVIN
Attorney General
The Capitol
Tallahassee, Florida 32304

THOMAS A. HARRIS
CLARENCE HOLMES
Assistant Attorneys General
725 South Calhoun Street
Tallahassee, Florida 32304

Counsel for Respondents

IN THE
SUPREME COURT OF THE UNITED STATES

October Term, 1975

NO._____

FREDERICK W. COPELAND,

Petitioner,

v.

PEOPLE OF THE STATE OF FLORIDA, et al.,

Respondents.

ON PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

BRIEF FOR RESPONDENTS IN OPPOSITION

Apparently, petitioner seeks to have this Court review an order of the Fifth Circuit Court of Appeals which denied his Motion to Appeal out of time. The challenged Order states:

> "It is ordered that the motions filed by petitioner for leave to docket the above referenced appeals out of time are denied."

In his application, petitioner discusses the merits of his alleged claim which are almost identical to the argument he advanced in the United States District Court for the Middle District of Florida.

HISTORY OF THE CASE

This suit was initiated in the United States District Court for the Middle District of Florida, upon a complaint alleging that petitioner was victimized by a mysterious public broadcasting perpetuated by certain known and unknown individuals. It was further alleged that a local state attorney conducted an investigation of this matter and petitioner was not allowed to participate therein or receive the results thereof. On these allegations petitioner sued the State of Florida, the Governor of Florida and the Attorney General of Florida. In his prayer for relief petitioner sought the impanelment of a Federal Grand Jury and access to a copy of the report of the alleged investigation conducted by the local state attorney. Accordingly, this suit appears injunctive in nature.

On December 12, 1974, all defendants-respondents moved to dismiss petitioner's Complaint on grounds of lack of jurisdiction over the subject matter and failure to state a claim upon which relief could be granted. On January 17, 1975, the District Court granted Respondents' Motion and dismissed petitioner's complaint with prejudice. The basis of dismissal was that the District Court lacked subject matter jurisdiction. Petitioner next filed a Motion for Rehearing which the District Court denied on January 27, 1975. On April 28, 1975, petitioner filed a motion in the District Court seeking leave to appeal out of time. This

motion was denied on the 2nd day of May, 1975. During the early part of May, 1975, petitioner thereafter filed a Motion for Leave to Appeal out of Time in the United States Court of Appeals, Fifth Circuit. On June 11, 1975, the Fifth Circuit denied Petitioner's motion.

JURISDICTION

Petitioner has totally failed to show any special or important reason for granting certiorari in this case. His application does not include any jurisdictional statement as required by Rule 22, Rules of the Supreme Court of the United States. In fact, at no stage in these proceedings has petitioner alleged any basis for Federal Court jurisdiction over the claims he seeks to advance. Respondents submit that there is no jurisdictional basis on which a Federal court may adjudicate petitioner's claims.

It is elementary that Federal courts are without jurisdiction to entertain claims that do not arise under the laws or Constitution of the United States. 28 USC §1331. Only those rights, privileges and immunities that are secured by the Constitution of the United States, or some act of Congress, are within the protection of federal courts. Gustason v. California Trust Co., 73 F.2d 765 (9th Cir.), cert.den. 296 U.S. 607, 80 L. Ed. 430 (1935). Rights, privileges, and immunities not derived from the Federal Constitution, or secured thereby, are left exclusively to the protection of the

states.

In order to properly invoke federal court jurisdiction, petitioner must allege that a person acting under color of state law deprived him of some right secured by the Constitution or laws of the United States. W. Barron & A. Holtzoff, Federal Practice §37 (Wright Ed., 1960). In this case, petitioner has failed to meet this requirement in that the persons responsible for harassing the petitioner are not alleged to have acted under color of state law. Nor does petitioner allege that the persons who allegedly harassed him are domiciled in a state different from his own place of residence. Thus, federal court jurisdiction pursuant to diversity of citizenship is inappropriate. These fatal deficiencies completely nullify the existence of any federal question which is a condition precedent to the exercise of federal court jurisdiction. Baker v. Carr, 82 S.Ct. 691, 369 U.S. 186, 7 L. Ed. 2d 663 (1962); Stanturf v. Spies, 335 F.2d 224, cert.den., 85 S.Ct. 676, 379 U.S. 977, 13 L. Ed. 2d 567 (1965).

CONCLUSION

Petitioner has failed to allege facts which invoke federal court jurisdiction. Accordingly, his Petition for a Writ of Certiorari should be denied.

Respectfully submitted,

ROBERT L. SHEVIN
Attorney General
The Capitol
Tallahassee, Florida 32304

THOMAS A. HARRIS
Assistant Attorney General

CLARENCE HOLMES
Assistant Attorney General

Counsel for Respondents

Department of Legal Affairs
Civil Division
725 South Calhoun Street
Tallahassee, Florida 32304

PROOF OF SERVICE

This is to certify that I, Thomas A. Harris, one of the attorneys for the Respondents herein, and a member of the Bar of the Supreme Court of the United States, on the _____day of October, 1975, served a copy of the foregoing Brief for Respondents in Opposition to Petition for Writ of Certiorari on the Petitioner by mailing a true and correct copy in a duly addressed envelope with first-class postage affixed, to Frederick W. Copeland, P. O. Box 523, Crystal River, Florida 32629.

THOMAS A. HARRIS
Assistant Attorney General

SUPREME COURT, U. S.

NO. 75-337

FILED
OCT 23 1975
MICHAEL RODAK, JR., CLERK

In the Supreme Court of the United States

OCTOBER TERM 1975

FREDERICK W. COPELAND,
Appellant

versus

FIRST FEDERAL SAVINGS AND LOAN ASSOCIATION OF LAKE COUNTY, a Corporation
Appellee

CROSS BRIEF TO PETITION FOR WRIT OF CERTIORARI

Robert L. Shevin
Attorney General
The Capitol
Tallahassee, Florida 32304

Thomas A. Harris
Clarence Holmes
Assistant Attorneys General
725 So. Calhoun Street
Tallahassee, Florida 32304

Attorneys for Respondent

Frederick W. Copeland
P. O. Box 523
Crystal River, Florida 32629

Attorney for Petitioner

INDEX

	Page
Cross Brief to Petition for Writ of Certiorari.....	1
Conclusion.....	4
Certificate of Service.....	5

LIST OF AUTHORITIES

Page

O'Connor v. Donaldson, S. Ct. 1975,
45 L. Ed. 2d 396..... 4

State of Minnesota v. National Tea Co.,
Minn. 1940, 60 S. Ct. 676, 309 U. S. 551..... 2

Walling V. James vs. Reuter, Inc.,
La. 1944, 64 S. Ct. 826, 322 U.S. 671..... 2

IN THE SUPREME COURT
OF THE UNITED STATES

NO. 75-337

FREDERICK W. COPELAND,
Petitioner,

versus

PEOPLE OF THE STATE OF FLORIDA,
GOVERNOR OF FLORIDA,
ATTORNEY GENERAL OF FLORIDA,
Respondents.

CROSS BRIEF TO PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

Appeal from the United States District Court for the Middle District of Florida

Attorney for respondent has filed Brief in Opposition which seeks the sanction of the Court in denying petitioner's petition for writ of certiorari. Petitioner, on the other side of the question, takes the position that the petition is timely and presents grievances which this Court, in exercise of its supervisory appellate power, should, in the discretion of the Court, grant the writ of certiorari and issue orders granting immediate relief from those grievances.

In this alleged public broadcasting perpetuated by known

and unknown individuals of which petitioner is the victim, State has failed in its exercise of police power in regard to petitioner's protection from such vice, and petitioner holds that the question of law has been decided so that there is conflict between the law and the decisions rendered. The listing of citations of appellate courts and the SUPREME COURT OF THE UNITED STATES apparently support the position of petitioner and negates or invalidates any other position. Furthermore, there is no record of anyone else living in this same geographical area being so victimized, and the manner utilized by State ignored the highly sophisticated equipment at its disposal for detection and apprehending such vice, and the proceedings have so far departed from accepted and usual course of judicial proceedings as provided by Rule 19, Rules of the Supreme Court of the United States, until the Court in exercise of its supervisory appellate power should, in its discretion, grant the writ of certiorari.

Furthermore, in *Walling V. James vs. Reuter, Inc.,* La. 1944, 64 S. Ct. 826, 322 U. S. 671 provides that where Supreme Court for any good reason may not properly proceed with the case brought to it on appeal, or where it is without power to proceed with the appeal, Court may in the exercise of its supervisory appellate power make such disposition as justice requires. In *State of Minnesota v. National Tea Co.,* Minn. 1940, 60 S.Ct. 676, 309 U.S. 551 says that the United States Supreme Court in exercise of its appellate jurisdiction has power not only to correct errors of law in the judgment under review, but also to make such disposition of the case as justice requires.

Since this harrasment, tantalizing and public broadcasting victimizing petitioner continues unabated, it is more imperative, in the discretion of the Court, that writ of certiorari should be granted and order to cease and desist be forthwith entered in favor of Petitioner. Furthermore, this action harassing, tantalizing and publicly broadcasting slanderous, libelous and discriminatory statements by use of certain alleged electronic equipment, gear or paraphernalia by known and unknown individuals violates the tenets of the Constitution of the United States guaranteeing life, liberty and protection of property as provided in:

Bloom v. State
Breard v. City of Alexandria, La.
Chaplinsky v. State of New Hampshire
Favors v. Randall
Freedman v. Philadelphia Terminal Auction Co.
Hotel & Restaurant Employees International Alliance, Local No. 122 v. Wisconsin Employment Relations Board
Jenson v. Olsen
Johnson v. Smith
Morey v. Doud
Royce V. Rososco
Sinclair Refining Co. v. City of Chicago
Whipple v. City of So. Milwaukee
(Citations, petition for writ of cert.)

Furthermore, in action now pending before this Court,

State is enforcing an unconstitutional Act to deny petitioner his rightful, just and proper status in life (Appendix, 42-43). Further jurisdiction is alleged by pleadings entered in due course and especially as indicated (Appendix, 39-41). Petitioner's rights are prejudiced by State adjudging petitioner incompetent November 27, 1961 when in essence, only petitioner's 100% service connected disabilities were factors and not any of the allegations in order to confine entered November 19, 1961 nor or order adjudging incompetency entered November 27, 1961. On basis of the foregoing action, petitioner was removed from his position as principal and confined in a mental institution against his consent in violation of *O'Connor v. Donaldson*, S. Ct. 1975, 45 L.Ed. 2d 396 in which the Supreme Court of the United States upheld that to confine a mental patient who is not violent nor harmful to himself or others is legally insufficient and violates tenets of the Constitution . The action of State in regard to petitioner has been far different than that called for in O'Connor v. Donaldson. In order entered November 19, 1961 State ordered petitioner confined and committed. In order entered November 27, 1961 State admitted that petitioner did not require mechanical restraint to prevent him from self-injury or violence to others. (Appendix 46-47, 50-51).

The foregoing argument is sufficient, in the discretion of the Court, to show cause and that the supervisory appellate power of the Court is required to correct errors of law and administration to which petitioner has been subjected. Wherefore, in the discretion of the Court, the writ of

certiorari should be granted, losses recovered, damages awarded, cost assessed and such and further relief granted as the Court deem proper, right and just.

Respectfully submitted,

Frederick W. Copeland
P. O. Box 523
Crystal River, Florida
32629

Attorney for Petitioner

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing Cross Brief to Petition for Writ of Certiorari was furnished Honorable Clarence Holmes, Esq., Assistant Attorney General, Department of Legal Affairs, Civil Division, 725 So. Calhoun Street, Tallahassee, Florida, 32304; Thomas A. Harris, Esq., Assistant Attorney General, Department of Legal Affairs, Civil Division, 725 So. Calhoun Street, Tallahassee, Florida, 32304 and Robert L. Shevin, Attorney General, The Capitol, Tallahassee, Florida, 32304, by mail, this 22nd day of October, 1975.

Petitioner